

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-2049-2025 (O&M)

Date of Decision : April 27, 2026

DR. JAGDISH KUMAR

-PETITIONER

V/S

**DIRECTOR, PUNJAB ENGINEERING COLLEGE (DEEMED TO
BE UNIVERSITY), SECTOR 12, CHANDIGARH AND OTHERS**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. S.S. Pathania, Advocate, with
Mr. Sumit Guleria, Advocate
for the petitioner
(Through V.C.)

Mr. Ashwani Talwar, Sr. Advocate, with
Mr. Rohan Sachdev, Advocate,
Mr. Gandharv Malhotra, Advocate, and
Mr. Nikhil Sehrawat, Advocate
for the respondents.

KULDEEP TIWARI, J. (ORAL)

CM-6471-CWP-2026

1. As prayed for, the application is **allowed**. Rejoinder to the written statement filed by the respondents, along with Annexures P-17 and P-18, is taken on record, subject to all just exceptions.

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2. Through the instant writ petition, the petitioner assails the orders dated 13.12.2024, 11.09.2024 and 12.06.2024, and further seeks issuance of directions to the competent authority amongst the respondents to consider his case for retention of the house in question during the period of his deputation.

3. The petitioner predicates his claim for retention of the house in

question, allotted from the U.T. Chandigarh Administration General Pool, for a period of up to 60 months despite his deputation outside Chandigarh, upon the notification dated 24.05.1993 issued by the Ministry of Human Resource Development (Department of Education), as well as the notification dated 16.06.2017 issued by the Ministry of Urban Development (Directorate of Estates).

4. Learned counsel for the petitioner submits that at the time of allotment of the house in question on 25.11.2003, the petitioner's employer, namely Punjab Engineering College (Deemed to be University), Chandigarh (hereinafter referred to as "P.E.C."), was under the aegis of the U.T. Chandigarh Administration, however, it has since acquired the status of an autonomous body. It is thus contended that the Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996 (hereinafter referred to as "the Allotment Rules") would not govern the terms of allotment, and instead the notification dated 16.06.2017 (*supra*) would apply. Placing reliance upon Rule 40 thereof, it is argued that the petitioner is entitled to retain the house in question during deputation for a period of 60 months on payment of normal licence fee.

5. Before proceeding to examine the submissions advanced on behalf of the petitioner, it is deemed apposite to make a swift survey of the undisputed factual matrix.

6. The petitioner joined P.E.C. as a Lecturer in Electrical Engineering and was allotted House No.548, Sector 11, Chandigarh, vide allotment letter dated 25.11.2003 (Annexure P-1), issued by the House Allotment Committee of P.E.C., subject to the terms and conditions

stipulated therein. Two such terms and conditions, being important, are extracted hereunder:-

“6. Rent will be charged from the allottee as per instructions issued by the Chandigarh Administration from time to time.

7. Subletting, additions and alterations in government houses are now allowed. In case of any subletting, additions and alterations etc. the allotment of government house will be cancelled and allottees will be charged damages and will be evicted by Estate Officer, Chandigarh.”

7. Subsequently, vide order dated 08.02.2024, the petitioner was appointed as Director-Principal, RBS State Institute of Engineering and Technology, Rewari, on deputation for a period of three years, and was relieved from P.E.C. w.e.f. 06.03.2024. In terms of the Allotment Rules (amended from time to time), the petitioner was entitled to retain the allotted accommodation for a period of six months. Accordingly, the petitioner, vide email dated 12.06.2024, requested the Estate Officer-II, P.E.C., to allow him to retain the house in question, for some personal issues, as per norms of the institute. The relevant excerpt from the email reads as follows:-

“....I may be allowed to retain the government accommodation allotted to me as per norms of the institute. It may be noted that I have not been allotted any other government house anywhere else till date and time.”

8. The Estate Officer-II, P.E.C., vide communication dated 12.06.2024, permitted retention of the house in question for six months, i.e. from 06.03.2024 to 05.09.2024, on payment of normal licence fee as per the Allotment Rules. In view of the granted extension, the petitioner retained the house in question and paid the normal licence fee. Upon expiry of the extension period, the petitioner sought further extension vide email dated 04.09.2024. However, the request was declined, and vide letter dated

11.09.2024, the Estate Officer informed the petitioner that the licence fee for the government accommodation had been revised, and consequently, a penalty would be levied in terms of the rules for the period starting from 06.09.2024 until the actual date of vacation. Furthermore, the petitioner was directed to hand over possession of the house in question, accompanied by a No Dues Certificate in respect of water and electricity charges. The petitioner's efforts did not cease at this stage, and he submitted additional representations, which are annexed as Annexures P-11 and P-12 with the petition. Ultimately, the competent authority, namely the Estate Officer, passed the impugned order dated 13.12.2024, whereby the petitioner was informed that no further permission could be granted for retaining the house beyond 05.09.2024, and he was directed to deposit the penalty amount for the period from 06.09.2024 to 05.12.2024. The relevant portion of the order dated 13.12.2024 is extracted hereinbelow:-

“...Therefore, the penalty for the period from 06.09.2024 to till the vacation of house shall be deposited as per following:-

- 1. Beyond 6 months and up to 8 months from date of relieving – 50 times the normal licence fee*
- 2. Beyond 8 months and up to 9 months from date of relieving – 100 times the normal licence fee*
- 3. Beyond 9 months and up to date of vacation – 200 times the normal licence fee.*

Since the house is not vacated till date, you are hereby requested to deposit the penal licence fee for the period from 06.09.2024 to 05.12.2024 as per above.”

9. It is also borne out from the record that the petitioner was subsequently assigned additional charge of Director-Principal, State Institute of Engineering and Technology, Panchkula, vide order dated 13.06.2025, which he joined on 17.07.2025. However, the said additional charge was

withdrawn on 13.11.2025. Thus, at best, the petitioner could have retained the house in question during the subsistence of his additional charge at Panchkula upon payment of normal licence fee.

10. This Court now proceeds to examine the submissions canvassed by learned counsel for the petitioner.

11. In the considered view of this Court, the Rules/Notifications invoked by learned counsel for the petitioner bear no applicability to the conditions governing the allotment of the house in question. A plain reading of the allotment letter (Annexure P-1) reveals that rent is to be charged from the allottee as per instructions issued by the Chandigarh Administration from time to time. Moreover, despite allotment by P.E.C., the house belongs to the U.T. Chandigarh Administration General Pool and was made available to P.E.C. for allotment to its employees. Therefore, the Allotment Rules assume paramount relevance in the instant case, mandating that allotment of all government residences belonging to Chandigarh Administration falling in different pools be strictly governed thereby. The relevant provision of the Allotment Rules is extracted hereunder:-

“(Amended Vide Notification No. 2020/A5/20 dated 18.1.2021)

2. The allotment of all Government residences belonging to Chandigarh Administration falling in different Pools shall be made strictly in accordance with the provisions of these rules.”

12. The Allotment Rules do not envisage retention of the house in question by the petitioner beyond six months post his posting outside the U.T. Chandigarh territory, and the said six-month extension had already been sanctioned from 06.03.2024 to 05.09.2024. There being no provision under the Allotment Rules for grant of any further extension beyond the said period, the competent authority has rightly declined the petitioner’s request

and has proceeded to levy penal rent for the period of unauthorized occupation.

13. Furthermore, learned counsel for the petitioner has been unable to demonstrate as to why the Allotment Rules, under which the house in question was allotted, should not apply, while the notifications relied upon by him should govern instead.

14. Consequently, the instant writ petition, being devoid of merit, is hereby **dismissed**.

April 27, 2026
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No