



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

121+230

**CM-4635-CWP-2026 in/and
CWP-17348-2025 (O&M)
Date of Decision : 25.03.2026**

Lt Col P K Saran (Retd)**...Petitioner****Versus****Union of India and others****...Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Lt. Col P.K.Saran (Retd) Advocate and
Mr. Jasjit Singh, Advocate for the petitioner.

Mr. Angel Walia, Advocate for the respondent – UOI.

Harsimran Singh Sethi, J. (Oral)

CM-4635-CWP-2026

The present application has been filed to place on record true copy of guidelines to prevent arbitrary use of powers to evict genuine tenants from public premises under the control of Public Sector Undertakings/ Financial Institution.

Keeping in view the facts mentioned in the application supported by affidavit, the same is allowed. The document (Annexures P-24) is taken on record, subject to all just exceptions.

CWP-9107-2026 (O&M)

1. In the present petition, the challenge is to the order dated 10.05.2023 (Annexure P-1), passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal), by which order, the prayer of the petitioner for reimbursement of deducted damage rent

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amounting to Rs.185348/- with simple interest @8% per annum w.e.f. 01.06.2016, was dismissed.

2. Certain facts may be noticed for the correct appreciation of the issue in hand.

2.1 While the petitioner was posted at Meerut, he was allotted a government accommodation quarter No.276/2, Thimmaya Park. Thereafter, the petitioner was posted out of Meerut to Binnaguri (West Bengal) on 27.04.2014 but he did not vacate the said accommodation on 28.04.2014 as he had applied for retention of the accommodation, keeping in view the fact that the wife of the petitioner was medically suffering and was under clinical investigation and treatment at the Army Hospital (R&R) Delhi Cantt., coupled with the fact that his new place of posting was near to Bhutan/China border wherein the petitioner could not take his family. Another reason given for retention of the said accommodation was qua the place of education of his children, that is the daughter of the petitioner was studying in 9th class in a school in Meerut, who was to appear in her 10th examination as well and that the son of the petitioner was also undergoing BA LL.B in Subharti Law College at Meerut.

2.2 Keeping in view the said request made by the petitioner, the same was forwarded to the authorities concerned for consideration and during the consideration, the petitioner continued to occupy the accommodation already allotted. Subsequently, upon consideration of his request for allotment/continuance in a government accommodation at Meerut, the respondent allotted another accommodation to the petitioner bearing House No.257/1, Bank Street, Meerut, in which accommodation, the petitioner shifted and



occupied the same till his retirement.

2.3 The respondent issued a notice to the petitioner alleging that after his transfer from Meerut in April 2014, he could have only retained the accommodation for a period of six months, which expired prior to the allotment of House No.257/1, Bank Street, Meerut. Hence, from October 2014 onwards and till the fresh accommodation was allotted, the petitioner is liable to pay the penal rent being unauthorized occupant of accommodation, i.e. quarter No.276/2, Thimmaya Park.

2.4 On account of the said allegation, after the premature retirement of the petitioner on 16.09.2016, a sum of Rs.1,85,348/- was deducted from the dues admissible to the petitioner. The challenge raised to the said deduction, before the Tribunal remained unsuccessful, leading to the filing of the present petition.

3. The petitioner, who appears in person submits that once, subsequent to the transfer, it had already come on record that he was entitled to allotment of a government accommodation in case the same has not been availed by him at the transferred station, which accommodation was subsequently allotted to the petitioner, the intervening period, cannot be treated an 'unauthorized occupancy'. The petitioner submits that the said period has to be treated as regularized keeping in view the fact, that after a period of six months of his transfer, another accommodation was allotted to him as per his entitlement and delay in allotting the subsequent accommodation is upon the respondent, hence, he cannot be penalized.

4. The learned counsel appearing on behalf of respondent – UOI does not dispute the entitlement of allotment of the government



accommodation to a transfer employee under certain circumstances but submits that such accommodation is that of Field Area Family Accommodation (FAFA). Learned counsel submits that though an application for retention as well as for allotment of accommodation was made by the petitioner under Field Area Family Accommodation (FAFA) but the petitioner was supposed to vacate the government accommodation which was allotted to him at the time of his transfer and could not have retained the same beyond six months in case allotment under Field Area Family Accommodation (FAFA) is not made within six months of transfer therefore, though the government accommodation under Field Area Family Accommodation (FAFA) was allotted, but he has to be treated as 'unauthorized occupant' after expiry of six months from the date of transfer till the period the subsequent allotment was made, hence, the Tribunal has rightly appreciated the same and therefore dismissed the writ petition.

5. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that once, the right to seek allotment even after transfer under Field Area Family Accommodation (FAFA), which accommodation is of the same nature, which was already being utilized by the petitioner, merely that the respondent took time i.e. after a period of more than one year of his transfer, to allot the same to the petitioner, he cannot be treated as 'unauthorized occupant' qua his earlier accommodation. The allegation of unauthorized continuance can only be made out in case after his transfer and after expiry of six months, such officer is not entitled to be allotted a government accommodation at the said station.



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7. Once under a Rule, the transfer officer was entitled to allotment of a government accommodation under a particular category i.e. Field Area Family Accommodation (FAFA), which eligibility to such category was fulfilled by the petitioner, and he was also allotted an accommodation in October 2015 under Field Area Family Accommodation (FAFA) which he occupied till his retirement, treating the intervening period as 'unauthorized occupancy' cannot be accepted.

8. Once, an application was moved immediately by the petitioner for allotting the accommodation under the Field Area Family Accommodation (FAFA), it was the duty of the respondent to allot the same within a period of six months of his transfer whereas, the same was delayed by the respondent by more than one year for which the petitioner cannot be penalized.

9. Keeping in view the above, the imposition of penalty of penal rent of Rs.1,85,348/-, in the peculiar facts and circumstances of the present case, cannot be accepted and the same is accordingly set aside.

10. The petitioner be released the deducted amount of Rs.1,85,348/- within a period of four months of the receipt of the copy of this order.

11. The petition is allowed accordingly.

12. Pending applications, if any, also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURJ)
JUDGE

March 25, 2026
Varinder

Whether speaking/reasoned : Yes