

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

118

CWP-28975-2025 (O&M)

Date of Decision : February 11, 2026

MALL SINGH

-PETITIONER

V/S

UNION TERRITORY CHANDIGARH AND ORS.

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Virat Rana, Advocate, and
Mr. Mohd. Jameel, Advocate
for the petitioner.

Mr. Jaivir S. Chandail, Addl. Standing Counsel, with
Ms. Ayushi Sharma, Advocate
for the respondents No.1, 3 and 4.

Mr. Neeraj Yadav, Advocate
for the respondent No.5.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition impugns the order dated 01.09.2025 (Annexure P-12) passed by the respondent No.1, whereby the allotment of House No. T-12/91, Sector 23, Chandigarh, made in favour of the petitioner, has been rescinded on the ground that the petitioner procured the allotment by furnishing incorrect and false information. Moreover, the impugned order renders the petitioner liable for payment of licence fee to the penal rent determined by the Government from time to time, for the duration of unauthorized possession of the house.
2. The concise and material facts engendering the instant writ petition are that the petitioner is serving as a Clerk in the Punjab Civil Secretariat, Chandigarh. Being eligible, he submitted an application dated

01.06.2022 to the Chief Secretary, Punjab Civil Secretariat, Chandigarh, seeking allotment of a residential accommodation from the U.T. Pool on medical grounds, namely on account of his father suffering from Dilated Cardiomyopathy. Pursuant thereto, the House Allotment Committee, Chandigarh Administration, vide order dated 05.04.2023, allotted the house in question to the petitioner, and he accordingly took possession thereof on 11.04.2023. Subsequently, on 15.04.2024, the respondent No.5, who is the petitioner's wife and with whom petitioner has strained relations and a divorce petition is pending adjudication, submitted a complaint seeking cancellation of the petitioner's allotment. It was alleged in the complaint that the petitioner had procured the allotment by concealing the fact that his wife had already been allotted Government accommodation, and thus, in view of Rule 3 of the Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996 (hereinafter referred to as the "Allotment Rules"), the petitioner was ineligible for allotment from the U.T. Pool. Consequent thereto, the competent authority, Government of Punjab, issued show cause notices to the petitioner, to which he duly responded. Ultimately, on the recommendation of the Joint Secretary, General Administration, Government of Punjab, Department of General Administration (Administrative Officer-I), the impugned order came to be passed.

3. Learned counsel for the petitioner submits that the house in question was allotted to the petitioner on medical grounds, specifically on account of his father's ailment, namely Dilated Cardiomyopathy. It is contended that there was no concealment or suppression of any material fact

on the part of the petitioner at the time of seeking allotment of government accommodation, as the respondent No.5/petitioner's wife had not been allotted any government accommodation at the relevant time. Furthermore, the attention of this Court is invited to the various litigations pending between the petitioner and his wife, including a divorce petition which is *sub judice*, to submit that the matrimonial relationship between the parties has deteriorated irretrievably, leaving no possibility of reconciliation or cohabitation under the same roof. Consequently, it is submitted that the allegation of concealment of material facts, forming the basis for cancellation of the allotment of the house in question, is wholly unsustainable inasmuch as the petitioner's wife was allotted separate government accommodation vide allotment letter dated 14.02.2023, i.e. subsequent to the petitioner's application for allotment on medical grounds.

4. *Per contra*, learned counsel appearing on behalf of the respondents No.1, 3 and 4 submits that the impugned order has been passed pursuant to a recommendation made by the Government of Punjab, being the employer of the petitioner, on account of violation of the Allotment Rules. It is contended that the petitioner has not challenged the said recommendation/decision of the Government of Punjab, which forms the very basis of the impugned order, and as such, the instant writ petition is not maintainable.

5. It is further submitted that the respondent No.5/petitioner's wife submitted an application dated 11.01.2024 under the Right to Information Act, 2005, seeking copies of the allotment letter and possession letter pertaining to the house allotted to the petitioner. Since the information

sought related to a third party, the petitioner's consent was solicited, however, the same was declined. Thereafter, the respondent No.5 filed a complaint alleging that the petitioner, despite being ineligible on account of his spouse having already been allotted and being in possession of government accommodation, i.e. House No. 2444-B, Sector 39, Chandigarh, w.e.f. 27.02.2023, had secured allotment of the house in question.

6. Learned counsel further submits that, in terms of the Allotment Rules, where a government employee knowingly furnishes incorrect information in any application or written statement with a view to securing allotment, the Secretary concerned, without prejudice to any other disciplinary proceedings, is empowered to cancel the allotment of the residence. Particular reliance is placed upon Rule 3 of the Allotment Rules to contend that two government employees, who are spouses, cannot be allotted separate government accommodations in the absence of any judicial order *qua* separation.

7. Learned counsel for the respondent No.5 has opposed the instant writ petition tooth and nail. It is submitted that, in the absence of any decree of divorce or judicial order of separation passed by a court of competent jurisdiction, the petitioner and respondent No.5 continue to be legally wedded spouses and, for the purposes of the Allotment Rules, constitute one family unit. It is contended that mere *de facto* separation does not amount to judicial separation within the meaning of Rule 3(1) of the Allotment Rules and, consequently, the petitioner is not entitled to the allotment of a separate government accommodation. It is further contended that the petitioner procured allotment of the house in question by concealing

the material fact regarding the allotment of separate government accommodation to his wife, thereby causing loss to the State exchequer and depriving other genuinely eligible employees of consideration for allotment of government accommodation. Nonetheless, it is fairly admitted that the divorce petition between the petitioner and respondent No.5 is pending adjudication and the matrimonial relationship between the parties is strained.

8. Upon hearing learned counsel for the contesting parties, it is evident that the controversy centres entirely on Rule 3 of the Allotment Rules. Rule 3 is therefore extracted below:-

“3. Allotment to Husband and wife, eligibility in case of officers who are married to each other. S.R. 317-AM- 3(1).– No Government employee shall be allotted a residence under these rules unless the wife or the husband, as the case may be, of the government employee, who has already been allotted a residence, surrenders it:

Provided that this rule shall not apply where the husband and wife are residing separately in pursuance of an order for judicial separation made by any court.

(2) Where two government employees is occupation of separate residence allotted under these rules, marry each other they shall, within one month of the marriage, surrender one of the residences.

(3) Where a residence is not surrendered as required by sub-rule(2), the allotment of the residence of the lower type shall be deemed to have been cancelled on the expiry of such period and if the residences are of the same type, the allotment of either of them, shall be deemed to have been cancelled on the expiry of such period, as the Secretary, House Allotment Committee may decide.

(4) There will be no special consideration for cases, where both the spouses are working in Government. The working couple can decide the spouses, who will apply for the house and will get it as per his/her seniority. The rules of Govt. of India will be followed.

(Amended/Replaced vide notification No. 2020/AS/16 dated 13.1.2021)

(5) Notwithstanding anything contained in sub-rules (1) to (4) above:-

(a) If a wife or husband, as the case may be, who is an allottee of a residence under these rules, is subsequently allotted a residential accommodation at the same Station from a pool to which these rules do not apply, she or he, as the case may be, shall surrender any one of the residence with in one month of such allotment.

Provided that this clause shall not apply where the husband and wife are residing separately in pursuance of an order of judicial separation made by any court.

(b) Where two officers, in occupation of separate residences at the same Station, one allotted under these rules and another from a pool to which these rules do not apply marry each other, any one of them shall surrender any one of the residences within one month of such marriage.

(c) If a residence is not surrendered as required under clause (a) or (b) above, the allotment of the residence in the Chandigarh Administration General Pool shall be deemed to have been cancelled on the expiry of such period.”

9. Rule 3 stipulates that where one spouse has already been allotted government accommodation and the same has not been surrendered, the other spouse is not entitled to separate allotment. The requirement of surrender does not apply where the spouses are living separately pursuant to a judicial order of separation. Notably, however, the Allotment Rules do not address scenarios where spousal relations have irreparably deteriorated, a divorce petition is pending due to matrimonial discord, and the parties live separately without a formal judicial separation order. The Allotment Rules remain silent on this position. Accordingly, the competent authority bears the responsibility to assess whether both spouses’ rights to live with dignity

are safeguarded, particularly examining if the separation stems from a genuine matrimonial dispute and pending divorce proceedings that render cohabitation under one roof practically impossible. The Allotment Rules govern house allotments and must be interpreted purposively to fulfil their ultimate objectives. Nothing in the Rules precludes the competent authority from evaluating the actual circumstances. The Rules are not exhaustive, as they fail to contemplate the aforementioned situation.

10. Denying the petitioner enjoyment of the allotted house based on the Allotment Rules appears technical, whereas the right of the petitioner is genuine. The Allotment Rules were not designed to unjustly withhold legitimate entitlements. Permitting such denial under Rule 3 would undermine the object of the Allotment Rules and fail the test of legality on the touchstone of the doctrine of reasonableness.

11. At this juncture, it is need of the hour to quote the legal maxim ***“Ubi Jus Ibi Remedium”***, which means where there is a right, there is a remedy. This principle signifies that if a citizen’s legal right is breached, the law must provide remedy. A legal wrong cannot exist without there being a legal remedy. This principle clearly enumerates that no wrong should go without redress, and only by this way, the courts can establish faith in the rule of law.

12. If the Allotment Rules are silent, it is duty upon the Courts to interpret them purposively and to fill requisite gaps to prevent denial of legitimate rights.

13. Another aspect warranting scrutiny is whether the petitioner concealed any fact. The undisputed timeline reveals that the petitioner

applied for government accommodation on medical grounds on 01.06.2022, while the respondent No.5 was allotted government accommodation on 14.02.2023. No concealment by the petitioner regarding his spouse's accommodation can thus be inferred.

14. Consequently, this Court is of the view that the competent authority/House Allotment Committee must re-examine the matter afresh and if it finds a genuine matrimonial dispute exists, with no realistic prospect of the petitioner and respondent No.5 cohabiting under the same roof, the petitioner's case shall be considered for regularizing his existing allotment. **The impugned order is accordingly set aside, and the matter is remanded to the competent authority for fresh adjudication.** Needless to state, the petitioner shall be given due opportunity of hearing. The fresh decision shall be taken within a period of three months from the date of receipt of a certified copy of this order.

15. **Disposed of accordingly.**

16. Pending application also stands disposed of accordingly.

February 11, 2026
devinder

(KULDEEP TIWARI)
JUDGE

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