

CWP-32425-2025 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

127+203

CWP-32425-2025 (O&M)

Date of Decision :12.05.2026

Tripta Devi

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Suresh Pal, Advocate for the petitioner.

Mr. Sunil Kumar Sharma, Sr. Panel Counsel for respondent-UOI.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-6421-CWP-2026

1 As prayed for, application is allowed.

CM-6422-CWP-2026

2. As prayed for, application is allowed.

3. Reply filed on behalf of respondents No.1 & 4 is taken on record.

CWP-32425-2025

4. Present writ petition has been filed challenging order dated 22.11.2022 (Annexure P/2) by which, allotment of Government accommodation granted in favour of the petitioner has been cancelled and damages on account of alleged irregularity were sought to be recovered as well as to the order dated 09.10.2025 (Annexure P/11) passed by the Central Administrative Tribunal, Chandigarh Bench (hereinafter referred to as 'the

Tribunal) by which, the said order of cancelling the allotment of Government accommodation in favour of petitioner, was upheld.

5. Certain facts are required to be mentioned for the correct appreciation of the issue in hand.

6. The petitioner is a 51 years old unmarried lady, who is 45% handicapped due to Polio and employed with the Indian Air Force on compassionate ground. Keeping in view the engagement of the petitioner with the Indian Air Force, she was allotted a Government accommodation being H.No.1180-A, Type-II, Sector 46-B Chandigarh on 22.06.2007. As the petitioner was unmarried and physically disabled, her mother was residing with her and she continued to reside with the petitioner till she unfortunately died on 24.04.2017. Keeping in view the fact that the petitioner is 45% disabled, her widowed sister with her daughter started living with the petitioner so that the petitioner, who is handicapped could be taken care of after the death of her mother, who was earlier taking care of her.

7. A complaint was filed against the petitioner that she has subletted the said Government accommodation to her widowed sister, on the basis of which, a show cause notice was issued to her on 04.08.2022 (Annexure P-1) which show cause notice was based upon an inspection, during which inspection, it was discovered that the widowed sister of the petitioner along with her daughter were residing with the petitioner and the fact that petitioner's sister along with her daughter were residing in said house was treated as subletting of said Government premises by the petitioner due to which allotment of the Government accommodation in favour of the petitioner was cancelled by the respondents on 22.11.2020

(Annexure P/2).

8. Upon cancellation of the allotment of Government accommodation in favour of the petitioner, a penal rent amounting to Rs.3,96,410/- was also imposed upon the petitioner vide letter dated 17.02.2023. The petitioner appeared before the respondents but without any success and ultimately, the petitioner challenged the order of cancellation of the allotment of Government accommodation as well as imposition of penal rent by way of filing an original application No.195/2023, vide which an interim order was granted in favour of the petitioner by the Tribunal, on the basis of which interim order, the petitioner continued to occupy the said Government accommodation in question.

9. Thereafter, as the counsel for the petitioner failed to put in appearance before the Tribunal, the Tribunal decided the said original application exparte and dismissed the same. The said order passed by the Tribunal is under challenge before this Court in the present petition.

10. Learned counsel for the petitioner submits that the allegation alleged against the petitioner that she has subletted the Government accommodation in question to her widowed sister and her daughter, is incorrect as nothing has come on record to show that the petitioner was not residing in the said Government accommodation along with her widowed sister and her daughter hence, once, the petitioner is residing in the said accommodation along with her widowed sister and her daughter, there arises no question that said Government accommodation had been sub-letted as the family members were residing with the petitioner, which fact has not been appreciated either by the respondents while passing the impugned order of

cancellation of allotment of the said Government accommodation and imposing the penal rent upon the petitioner or even by the learned Tribunal while passing impugned order dated 09.10.2025 (Annexure P/11).

11. Learned counsel for the petitioner further submits that as of now, as the petitioner is physically disabled to the extent of 45%, she needs help to go on with her daily life, which help was earlier being provided by her mother and after the death of her mother, by her widowed sister and her daughter and, therefore, the family members of the petitioner residing in the Government accommodation in question, will not mean that same had been sub-letted or that due to the same there has been violation of any provisions of 2017 Rules to mean that the said house so allotted to the petitioner was being misused in any manner.

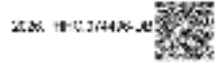
12. Learned counsel for the petitioner further submits that the cancellation of Government accommodation in question in favour of the petitioner has been done on the basis of wrong fact that the petitioner is the owner of another dwelling unit and was not residing in the same whereas, from the date of allotment of Government accommodation in question in favour of the petitioner, she has been residing in the said house and no description of any other dwelling unit, which was being stated to be owned by the petitioner, has been mentioned or brought to the notice of Tribunal or even this Court by the respondents, rather the petitioner is on record stating that she does not own any other dwelling unit and she has been residing in the said Government accommodation since 2007 initially with her mother and after the death of her mother with her widowed sister and her daughter.

13. Upon notice of motion, the respondents have filed the reply.

Learned counsel for the respondents submits that the allotment of the Government house is governed by the Central Government General Pool Residential Accommodation Rules, 2017 (hereinafter referred to as '2017 Rules'). Learned counsel for the respondents further submits that Rule-2(K) of the said 2017 Rules provides for definition of 'family' and who are to be considered as family so as to be allowed to remain in allotted accommodation legally and though, sister or brother of an allottee are included in the definition of family but the condition imposed therein is that they should be ordinarily residing and should be dependent upon the allottee. Learned counsel for the respondents further submits that as the widowed sister of the petitioner, who has been residing with her is a pensioner, hence, she cannot be treated as dependent upon the petitioner, who is the allottee of the premises in question and therefore, in the present case, Rule 2(K) of 2017 Rules has been violated which violation has warranted the cancellation of the allotment of Government accommodation in favour of the petitioner.

14. Learned counsel for the respondents further submits that even for the sake of argument, it is accepted that sister and that too a dependent one is covered under the definition of family under Rule 2(K) of 2017 Rules, but still, she only has right to reside after taking due permission from the competent authority, which permission was never taken by petitioner in the present case hence, the cancellation of the allotment of Government accommodation in favour of the petitioner was perfectly valid and legal and the learned Tribunal has rightly appreciated the facts of the present case hence, the present writ petition is liable to be dismissed.

15. We have heard learned counsel for the parties and have gone



through the record with their able assistance.

16. The ground which is being taken by the respondents in present writ petition to support the setting aside of the allotment of Government accommodation in favour of the petitioner is entirely different than the one taken by respondents in the impugned order, whereby said Government accommodation got cancelled. Though, in said impugned order cancelling the allotment of Government accommodation in favour of the petitioner, the ground taken was that the petitioner has another dwelling unit in her ownership where she was residing and she was not residing in the house allotted in her favour in which house her widowed sister and her daughter were residing, which facts were incorrect. It is to be noted that no description of any such dwelling unit being owned by the petitioner, which was made the basis of cancellation of Government accommodation in favour of the petitioner, has been brought to the notice of this Court.

17. Learned counsel for the respondents, who is assisted by the officials of the respondent-department along with the original record have failed to point out any such dwelling unit which was in the possession of the petitioner, which was made the basis of cancellation of the allotment of Government accommodation in question in favour of petitioner.

19. At this stage, learned counsel for the respondents on instructions from Mr. Krishanu Gupta, Assistant Estate Manager, who has filed the written statement, submits that on the date when the inspection of the house in question was done at 2.30 p.m, the petitioner was not found to be present at her residence.

20. It may be noticed that during the said hours, the petitioner is

stated to be performing the office duties assigned to her and is not supposed to be at her home and her widowed sister and her daughter were present, which fact has been taken into consideration to construe that the petitioner was not residing in the said Government accommodation. It is very surprising that an inspection which was being done during the working hours, the respondents were expecting the petitioner to be present at the house and what is more shocking is that her absence at the relevant time has been interpreted to mean that she is not residing in the house and that she is living in another dwelling unit. No other document has been brought on record or even shown during the hearing before the Tribunal or even before this Court that the petitioner was in occupation of any other dwelling unit or that was not residing in the Government accommodation in question.

21. Further argument which has been raised by the learned counsel for the respondents is that the widowed sister and her daughter living in the allotted house in question is in contravention of Section 2(K) of 2017 Rules, which is as under:-

2(k) "family" means the wife or husband of allottee, as the case may be, and children, step children, legally adopted children, parents, brothers or sisters as ordinarily reside with and are dependent on the allottee'

22. A bare perusal of the above rule would show that though, a sister is to be treated as a family member but in the present case, sister is not being treated as family on the ground that she was not dependent upon the petitioner. In case, Rule 2(K) of 2017 Rules is interpreted in said manner, then even a working wife who is not dependent upon her husband, cannot be allowed to reside even with her spouse. Similarly, a son who is more than 18

years of age and is employed, cannot be allowed to live with his parents. Even the mother or father of an allottee, who are pensioners, cannot be allowed to live with his/her son as they are not dependent upon him. The way in which said rule is being interpreted by the respondents to cancel the allotment of Government accommodation in favour of the petitioner, who is a physically handicapped single lady, cannot be accepted.

23. On being asked as to whether, any such action which has been taken against petitioner, has been taken against an allottee whose wife is working or vice-versa or any allottee whose pensioner's parents are residing with him, learned counsel for the respondents has not been able to bring to the notice of this Court any such single instance, which makes us think that why, such kind of interpretation has been given in case of petitioner who is physically handicapped to the extent of 45% and is a single lady to oust her from the Government accommodation allotted to her in which she is residing with her widowed sister and her daughter, who are taking care of her.

24. Further, argument which has been raised by the learned counsel for the respondents is that even if, a sister or a son or father or mother are to reside in the house allotted to a Government employee, due permission is to be taken from the competent authority.

25. It may be noticed that in case, such permission has not been taken, the same can not amount to misconduct or misuse of the Government accommodation, same can be a minor irregularity, which can be rectified, but how such irregularity can lead to ousting of petitioner from her allotted accommodation is beyond our imagination. The respondents have made a

handicapped single lady to run from pillar to post not only by cancelling the allotment of Government accommodation in her favour but also by imposing penal rent upon her and that too without there being any such rule allowing them to do so, in 2017 Rules to take such kind of action and that too on the basis of the incorrect facts.

26. Today, during the course of hearing, liberty was given to the respondents to reconsider the case of the petitioner so as to allow her to reside but learned counsel for the respondents on instructions from Mr. Krishanu Gupta, Assistant Estate Manager, submits that the action taken against the petitioner is perfectly valid and legal and no consideration is required to be taken especially when said decision has already been upheld by the Tribunal.

27. Such kind of attitude to dislodge a single handicapped lady from the Government accommodation allotted to her only on the ground that she is living in the said accommodation with her widowed sister and her daughter is condemned and the same cannot be accepted.

28. Keeping in view the totality of the facts and circumstances of the present case, it is held that there has been no violation of any rule of 2017 Rules, much less misuse of the Government accommodation at the hands of the petitioner which could justify the cancellation of allotment of said Government accommodation in favour of the petitioner along with imposition of penal rent upon her hence, the letter dated 22.11.2022 (Annexure P/2) cancelling the allotment of Government accommodation in favour of the petitioner; letter dated 17.02.2023 (Annexure P/3) imposing recovery of penal rent upon the petitioner passed by the authorities concerned as well as order dated 09.10.2025 (Annexure P/11) passed by the Tribunal are set aside being perverse.

29. The further question which arises is whether, the authorities can

be allowed to misuse the Rules so as to harass a single handicapped lady, who has been running from pillar to post for the last four years to retain a Government accommodation which was allotted to her and was also made to engage counsel to represent her and to pay fees to the counsel.

30. Though, as per this Court, even from the day one, there arose no occasion with the respondents to pass any such order cancelling the allotment of Government accommodation in favour of the petitioner hence, keeping in view the totality of the fact and circumstance, when due to illegal action on the part of respondents, the petitioner had to engage a lawyer more than once and to pay him fees along with the harassment meted out to her despite there being no fault, the present petition is allowed, with imposition of cost of Rs.50,000/- to be paid by the authorities to the petitioner on account of harassment suffered by her for the last four years for involving her in litigation so as to retain the Government accommodation, which was allotted to her as well as on account of litigation expenses, which she has spent during the said period. Let the same be paid within a period of 04 weeks from the date receipt of copy of this order.

31. Civil miscellaneous application pending, if any is also disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

May 12, 2026
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Whether speaking/reasoned :Yes
Whether reportable : Yes