



**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**CHANDIGARH BENCH**

O.A. No. 060/00765/2019

(Order reserved on 04.12.2020)

Chandigarh, this the 14<sup>th</sup> day of December, 2020

**HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

Mrs. Surjeet Kaur wife of Sh. Karmjit Singh Walia age 46 years working as Member, Consumer Disputes Redressal Forum-I, Chandigarh, Office of State Consumer Disputes Redressal Commission, Plot No. 5B, Sector: 19-B, Madhya Marg, Chandigarh-160 019.

.....Applicant

(By Advocate: Mr. D.R. Sharma)

Versus

1. The Administrator, Union Territory, Chandigarh, Sector-6, Punjab Raj Bhawan, Chandigarh-160 019.
2. The Advisor to the Administrator, Chandigarh Administration, U.T. Secretariat, Sector-9, Chandigarh-160 009.
3. The Secretary, House Allotment Committee, U.T. Secretariat, Sector-9, Chandigarh-160 009.
4. The Secretary, State Consumer Disputes Redressal Commission, Plot No. 5B, Sector 19-B, Madhya Marg, Chandigarh-160 019.

.....Respondents

(By Advocate: Mr. Vinay Gupta)

## ORDER



### **AJANTA DAYALAN, Member (A):**

1. This OA has been filed by applicant Surjeet Kaur seeking quashing of orders dated 25.04.2019 (Annexure A-11), 01.07.2019 (Annexure A-14) and 15.07.2019 (Annexure A-16) whereby her request for retention of Government accommodation consequent to her re-appointment as Member, District Consumer Disputes Redressal Forum, UT Chandigarh has been rejected. She has also prayed that protection and accrued rights granted under Rule 3(5) of Chandigarh Consumer Protection Rules, 1987 cannot be taken away by amending the statutory provisions arbitrarily and that too when the amended provisions are prospectively applicable. The applicant has further prayed that as the applicant is already being charged double the normal license fee on account of her husband owning a house at Mohali, she cannot be subjected to the impugned action.
2. The facts of the case are undisputed. The applicant was appointed as Member (Female ) in District Consumer Disputes Redressal Forum, UT Chandigarh on whole time basis for a period of five



years or upto the age of 65 years whichever is earlier vide order dated 16.08.2013 (Annexure A-1). She Joined as such on 23.10.2013. She completed her tenure on 22.10.2018. She was again appointed on the same post on whole time basis for a period of five years or upto 65 years of age whichever is earlier vide order dated 27.08.2018 (Annexure A-2). The applicant was allotted house No. 2166 (Type -8), Sector 42 Chandigarh vide allotment order dated 08.01.2016. This is not a earmarked residence. Condition No. 6 of the allotment letter states as follows:-

"6. As per rule SR-317-AM-4 no employee is eligible for allotment of Government residence if he/she or his/her spouse or any of his/her dependent children owns a house at Chandigarh or at the adjoining urban estate of Panchkula or Mohali unless he/she is willing to pay double the normal license fee. The allottee will be liable to inform his Drawing and Disbursing Officer as well as the Asstt. Controller (F&A) Rents, Chandigarh Administration, for deduction of double the normal license fee in case he/she is covered under the said rule. This condition is however not applicable in the case of allotment of earmarked residence."

Accordingly, the applicant was paying double the normal license fee after taking possession of the house on 12.01.2016. It is against cancellation of this Government accommodation consequent to her re-appointment to the same post that the applicant is before this Tribunal.



3. Chandigarh Administration has notified Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2018 vide Notification dated 16.11.2018. These Rules came into effect from the date of their publication in the Gazette, that is from 16.11.2018. The relevant Rules 2, 3 and 6 of this Notification read as follows:-

“2. In the “Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996” hereinafter referred to Rules of 1996, for the existing Rule-SR-317-AM-2(h), the following shall be substituted namely:-

Rule SR-317-AM-2(h) – “Eligible Employee” means an employee of the eligible office of the Government of Punjab, Government of Haryana, Chandigarh Administration or of Punjab and Haryana High Court working on regular basis in an eligible office or on foreign service having posting with substantive charge at Chandigarh, Panchkula or Mohali, except the District Level Offices or those offices which are not State Level Offices at Panchkula or Mohali, as long as he retains lien on a post in an eligible office, Mayor of the Municipal Corporation and also the employees of the Chandigarh Administration transferred to the Municipal Corporation, Chandigarh, Chairmen of State Human Right Commissions, Lokayuktas and the Chief Information Commissioners of Punjab and Haryana, Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab, Haryana and Chandigarh Administration, who are employed on full time basis and are getting their salary from the Consolidated Fund and if employed on contractual basis their contractual period is not less than three years

Provided that the Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab, Haryana and Chandigarh Administration and appointed after retirement etc. and having their own house in the Urban Estates of Panchkula, Mohali or in the Union Territory, Chandigarh in their own names or in their spouse or their dependent children, shall not be “eligible” for allotment of Government Houses of Chandigarh Administration General Pool.

3. In the said Rules of 1996, for the existing Rule SR-317-AM-2(i), the following shall be substituted namely:-



Rule SR-317-AM-2(i) – “Eligible Office” means an Office of the Governments of Punjab, Haryana, Chandigarh Administration and Punjab and Haryana High Court located at Chandigarh, Panchkula or Mohali, except the District Level Offices or those offices which are not State Level Offices at Panchkula or Mohali, the staff of which has been declared by the Chandigarh Administration to be eligible for accommodation under these rules, Office of the Municipal Corporation, Chandigarh in respect of the employees of the Chandigarh Administration transferred to Municipal Corporation, Chandigarh. Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab and Haryana Chandigarh Administration, who are employed on full time basis and are getting their salary from the Consolidated Fund and if employed on contractual basis their contractual period is not less than three years and Chief Ministers/Ministers/Deputy Ministers/Leaders of opposition of Punjab and Haryana Government for houses in the Chief Ministers pool only.

Provided that the employees of those departments of the Union Territory Administration who have their own departmental pool, shall not be entitled for the allotment of houses from Chandigarh Administration Pool.

Provided that officers/officials holding additional charge of a post at Chandigarh and having substantive charge outside Chandigarh, Mohali or Panchkula will not fall within the expression “Eligible Office”.

Provided that the Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab, Haryana and Chandigarh Administration and appointed after their retirement etc. and having their own houses in the Urban Estates of Panchkula, Mohali or in the Union Territory, Chandigarh, in their own names or in their spouse or their dependent children, shall not be “eligible” for allotment of Government Houses of Chandigarh Administration General Pool.

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6. Notwithstanding anything contained in the said rules of 1996 as amended, if on the coming into force of these rules, an employee becomes ineligible in terms of Rule 2, 3, 4 and 5 of these rules as mentioned hereinabove and is in occupation of Government residence, he shall surrender the Government residence in his occupation within a period of three months. If he does not surrender the Government residence as required, he shall be liable to pay damages for the use and occupation of residence equal to fifty times the normal license fee from the date on which he is required to surrender the Government residence.”



4. Thus, as per this Notification Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab, Haryana and Chandigarh Administration and appointed after their retirement and having their own house in the Urban Estate of Panchkula, Mohali or UT Chandigarh in their own names or in the names of their spouse or dependent children, are not eligible for allotment of Government accommodation of Chandigarh Administration General Pool.

5. The applicant forwarded an application dated 17.12.2018 (Annexure A-7) to the President of the Forum requesting for permission to retain Government accommodation till completion of her tenure on 22.10.2023. This was forwarded vide letter dated 18.04.2019 (Annexure A-10). However, Advisor to the Administrator who is respondent No. 2, passed impugned order dated 25.04.2019 asking the applicant to surrender the Government accommodation within a period of three months from the date of issue of the letter failing which the allotment of the house was to be deemed as cancelled and the applicant was liable to pay



damage charges/license fee at the rate of 50 times the normal license fee as required under Notification dated 16.11.2018.

6. The applicant again represented to the President of the Forum which was forwarded to respondent No. 2 vide office letter dated 29.05.2019 (Annexure A-13). However, this representation was disposed of vide letter dated 01.07.2019 (Annexure A-14) reiterating the earlier decision. The applicant again submitted representation dated nil (Annexure A-15). This representation was also disposed of vide letter dated 15.07.2019 (Annexure A-16) reiterating the same stand of the respondents. Thereafter, the OA has been filed by the applicant.

7. During hearing of this OA, interim relief was granted to the applicant vide order dated 22.07.2019, staying the operation of the impugned orders at Annexures A-11 and A-14. This interim order has continued since then.

8. The case of the applicant is that the applicant was allotted Government accommodation after her initial appointment as Member of the District Forum. This tenure was completed on 22.10.2018. She was



re-appointed to the same post w.e.f. 23.10.2018 i.e. without a day's break. Thus, she is continuing on the same post continuously from 23.10.2013 onwards till date. The applicant's plea is that she has the protection under sub-rule (5) of Rule 3 of the Chandigarh Consumer Protection Rules, 1987 which reads as follows:-

"3. (5) The terms and conditions of the service of the President and members of the District Forum shall not be varied to their disadvantage during their tenure of Office."

Thus, the applicant's counsel argued that the terms and conditions of service of the applicant cannot be varied to her disadvantage during her present term and hence, the impugned orders are not legally sustainable.

9. The counsel for the applicant further contended that the 2018 Notification being referred to by the respondents is not applicable in her case as her appointment is not after her retirement. The applicant has stated that she is born on 10.08.1972 and she is not a retiree from any Government service. As per 16<sup>th</sup> November 2018 Notification, only members who are appointed after their retirement and have their own houses in the Urban Estate of Panchkula, Mohali or Union Territory Chandigarh in their own name or in the name of their spouse or dependent children, are not



eligible for allotment of Government houses. The applicant's plea is that she is clearly not covered in this category having been appointed not after her retirement, but much before that.

10. Besides, the applicant has mentioned that she is already paying double the license fee for her quarter and she continues to hold the same post continuously from 2013 onwards and as such, the provisions of this Notification dated 16.11.2018 may not be applicable to her.

11. In view of all above, counsel for the applicant has contended that the impugned orders are not sustainable and are liable to be quashed.

12. The respondents have rebutted the claim of the applicant. They have quoted the provisions of Notification dated 16.11.2018 and have concluded that the applicant was asked to submit an affidavit whether she or her spouse or dependent children own any house in the Urban Estate of Panchkula, Mohali or UT Chandigarh vide letter dated 1/6.2.2019. In response, she submitted an affidavit stating that her husband owns a house No. 78, Sector 77, Mohali. Thus, she became ineligible to retain Government accommodation



in terms of Notification dated 16.11.2018 and vide memo dated 25.04.2019, she was asked to surrender her house within a period of three months failing which her allotment of house was to be deemed as cancelled and she was to pay damage charges/license fee at the rate of 50 times the normal license fee. They have stated that this decision is as per provisions of Notification dated 16.11.2018. Her further request had also been reconsidered and the same could not be acceded to as that was not covered under theforesaid Rules and Notification and she was informed accordingly.

13. Further, the respondents have also stated that the Government has now issued latest Notification dated 18-31.07.2019 (Annexure R-1). As per this latest Notification, Members of the District Forum are not entitled to allotment of Government accommodation. Accordingly, the applicant is no longer eligible for allotment of Government accommodation.

14. In view of all above, the respondents have concluded that the applicant is not entitled to any relief.

15. The counsel for the applicant has filed a rejoinder wherein it is brought out that the 16.11.2018



Rules came into effect only from the date of their publication. Besides, this amendment is not applicable to the applicant since she is not a retiree from Government service and has not been appointed after her retirement. They have also argued that this Notification cannot be applied in her case in view of protection granted to her under Rule 3(5) of the Chandigarh Consumer Protection Rules, 1987. In this connection, the applicant has quoted the judgement of the Hon'ble Supreme Court in Civil Appeal No. 3299 of 2011 titled J.S. Yadav Vs. State of U.P. and Anr. decided on 18.04.2011. It is also argued that as per condition no. 6 of the Allotment letter, the applicant is already paying double the normal license fee and therefore, she cannot be subjected to impugned action.

16. The counsel for the applicant has also stated that at the time of applying for the allotment, the applicant has disclosed full facts with regard to owning of the house by her husband at Mohali and was paying double the normal license fee. This makes her eligible for allotment of Government accommodation even if she or her family has a house in Chandigarh or adjoining Urban Estate of Panchkula or Mohali. In any



case, the house allotted to the applicant is not an earmarked house.

17. In view of all above, the counsel for the applicant reiterated that the applicant is entitled to the relief sought and the OA deserves to be allowed.

18. I have heard the counsel of the opposing parties. I have also gone through the pleadings of the case and have given the matter due consideration.

19. First of all, I note that the appointment of the applicant is made under Consumer Protection Act, 1986 (the Act). Her appointment orders are dated 16.08.2013 and 27.08.2013. The 2013 order only states that she is appointed on a whole time basis for a period of five years from the date she assumes charge as such or upto the age of 65 years, whichever is earlier. The order further states as follows:-

"She shall receive consolidated honorarium of Rs. 18,000/- P.M. and other facilities as prescribed in the Chandigarh Consumer Protection Rules, 1987, as amended from time to time."

Thus, the order of August 2013 does not include any term and condition relating to allotment of Government accommodation. The appointment order of 27.08.2018 is very brief and only states that she is appointed on whole time basis w.e.f. 23.10.2018 for a period of five



years or upto the age of 65 years whichever is earlier. There is no mention of other terms and conditions in this order at all. Thus, I find that both the appointment and re-appointment orders of the applicant do not contain any specific term or condition relating to allotment of Government accommodation.

20. I further note from the perusal of Chandigarh Consumer Protection Rules, 1987 (which have been notified under the Act) that Rule 3 of these Rules is titled as "Salaries and allowances and terms and conditions of the President and members of the District Forum". This Rule reads as follows:-

"(1) The President of the District Forum shall receive the salary of the Judge of the District Court if appointed on whole time basis or an honorarium of Rs. 200 (Rupees two hundred only) per day for sitting, if appointed on part-time basis. Other members if sitting on whole time basis, shall receive a consolidated honorarium of Rs. 9000 (Rupees nine thousand only) per month and if sitting on part-time basis, an honorarium of Rs. 150 (Rupees one hundred and fifty) per day for the sitting.

(2) The President and the members of the District Forum shall be entitled for such travelling allowance and daily allowance on official tour as are admissible to Grade I Officer of the Administration of Union Territory of Chandigarh.

(3) Before appointment, the President and members of the District Forum shall have to take an undertaking that he does not have and will not have any such financial or other interests as is likely to affect prejudicially his functions as a member.

(4) In addition of provisions of section 10(2), the Administrator, may remove from the office, the President and members of a District Forum who:-

(a) has been adjudged an insolvent; or



- (b) has been convicted of an offence which in the opinion of the Administrator, Union Territory of Chandigarh, involves moral turpitude; or
- (c) has become physically or mentally incapable of action as such member; or
- (d) has acquired such financial or other interest as is likely to effect prejudicially his functions as a member; or
- (e) has so abused his position as to render his continuance in office, prejudicial to the public interest; or
- (f) remain absent in three consecutive sittings except for reasons beyond his control.

Provided that the President or member shall not be removed from his office on the ground specified in clauses (d), (e) and (f) of sub-rule (4) except on an inquiry held by the Government in accordance with such procedure as it may specify in this behalf and finds the President or member to be guilty of such ground.

(5) The terms and conditions of the service of the President and members of the District Forum shall not be varied to their disadvantage during their tenure of Office.

(6) Where any vacancy occurs in the office of the President of the District Forum, the senior most (in order of appointment) member of District Forum, holding office for the time being, shall discharge the functions of the President until a person appointed to fill such vacancy assumes the office of the President of the District Forum.

(7) When the President of the District Forum is unable to discharge the functions owing to absence, illness or any other cause, the senior most (in order of the appointment) member of the District Forum shall discharge the function of the President until the day on which the President resumes the charge of his functions.

(8) The President or any other member ceasing to hold office as such shall not hold any appointment in or be connected with the management or administration of an organization which have been the subject of any proceeding under the Act during his tenure for a period of five years from the date on which he ceases to hold such office."

21. Thus, it is clear that these terms and conditions do not include any terms and conditions relating to allotment of Government accommodation to the President and Members. Besides



salary/consolidated honorarium, the President and Members are entitled to only travelling allowance and daily allowance and honorarium if sitting on part-time basis.

22. Sub-rule (5) of Rule 3 does state that the terms and conditions of service "shall not be varied to their disadvantage during their tenure of Office". However, as already observed, the terms and conditions specified in the Rules do not at all mention anything about Government accommodation. This clause will obviously be relevant for only those terms and conditions specifically mentioned in the Rules. This fact is further amplified by the very title of this Rule itself – that is "Salaries and allowances and terms and conditions of the President and members of the District Forum". As this Rule does not specifically mention allotment of Government accommodation as part of terms and conditions, the sub-clause (5) relating to variation to disadvantage cannot be applied to allotment of Government accommodation. Thus, the applicant cannot claim that the non-retention of Government accommodation is a variation in her terms and conditions of service to her disadvantage.



23. In this connection, it is also important to note that the appointment of the applicant is not in continuation. Rather, she was re-appointed with effect from 23.10.2018 as is clear from the order dated 27.08.2018 (Annexure A-2). Re-appointment is different from continuation as re-appointment involves going through a process of selection resulting in fresh appointment. On the other hand, continuation is merely a question of continuing the person already holding the post. The Consumer Protection Act as well as the Rules do not provide for continuation. They only provide for appointment and re-appointment of President and Members.

24. Besides, even the wording that terms and conditions cannot be varied to their disadvantage "during their tenure of Office" would mean tenure of the current term of office and not the next term on re-appointment.

25. In view of above, I am of the clear view that the applicant does not have any statutory or protected right for allotment of Government accommodation.

26. Regarding the other issue i.e. applicability of 16.11.2018 Notification to the applicant and its date of



effect, it is noted that the date of effect is clearly mentioned in Rule 1 of the Notification which states as follows:-

"1. (i) These rules shall be called the "Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2018".

(ii) They shall come into force from the date of their Publication in the Chandigarh Administration Gazette."

It is thus clear that this Notification comes into effect only from the date of its publication in the Gazette i.e. 16.11.2018.

27. Now, coming to the issue of applicability of this Notification to the applicant or otherwise, I note that the crucial portion of this Notification already reproduced in paragraph 3 of this order reads as follows:-

"2. ....  
Provided that the Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. set up by the States of Punjab, Haryana and Chandigarh Administration and appointed after retirement etc. and having their own house in the Urban Estates of Panchkula, Mohali or in the Union Territory, Chandigarh in their own names or in their spouse or their dependent children, shall not be "eligible" for allotment of Government Houses of Chandigarh Administration General Pool."

28. It is, therefore, clear that the Chairman/President/Members of various Commissions, Boards, Consumer Forums etc. set up by States of Punjab, Haryana and Chandigarh Administration and



having their own house in tricity of Panchkula, Mohali and UT Chandigarh in their own name or in the name of their spouse or dependent children have been made ineligible for allotment of Government accommodation. From this angle, the applicant was not considered eligible for Government accommodation. However, the applicant's counsel is laying his arguments on the plea that the applicant is not appointed after her retirement and as such, she is not covered by this Notification. I do find that the words "and appointed after their retirement etc." are included in the Notification. A reading of this proviso makes it clear that both the conditions – that is appointment after retirement and having own house in tricity need to be fulfilled to declare an employee ineligible for Government accommodation. Thus, viewed literally from the wordings of the Notification as contained in the proviso, it could be inferred that this Notification of November 2018 does not make the applicant ineligible for house allotment.

29. During arguments, the counsel for the respondents was asked to explain the intention for including these wordings in the proviso. He was also asked that once these are included, how far the



Notification can be said to be applicable to the applicant to the effect of making her ineligible. The counsel for the respondents was not able to explain this query. Frankly, I do not find adequate logic for inclusion of these words in the proviso especially as Chairman/President/Member of various Commissions/Boards/Consumer Forums etc. are mostly appointed after their retirement. If the idea is to make only such Chairman/President/Members etc. ineligible who are appointed after their retirement and keep the other Chairman/President/Members etc. who are appointed before their retirement eligible, it would lead to anomalous situation.

30. Be that as it may, the situation as of today is that these wordings are included in this Notification and as the applicant is obviously not appointed after her retirement, this Notification does not make her ineligible for allotment.

31. I, however, note that the Chandigarh Administration has further brought out Notification dated 18/31.07.2019 (Annexure R-1) vide which the Chairman/President/Members of various Commissions/Boards/Consumer Forums etc. have been



made ineligible for allotment of Government accommodation. As per this Notification of July 2019, the ineligibility of the Chairman/President/Members of the various Commissions/Boards/Consumer Forums is not linked to their appointment after retirement. The same has also been de-linked from their owning a house in the tricity of Panchkula, Mohali or Union Territory Chandigarh in their own name or in the name of their spouse or dependent children. As per this Notification, the applicant is clearly ineligible for allotment of Government accommodation. The relevant portion of this Notification reads as under:-

"No. 681 – In exercise of the powers conferred by Rule 45 of the Fundamental Rules and all other powers enabling him in this behalf, the Administrator, Union Territory, Chandigarh, hereby makes the following Rules further to amend the "Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996" namely :-

1. (i) These rules may be called the "Government Residences (Chandigarh Administration General Pool) Allotment (Amendment) Rules, 2019".

(ii) They shall come into force from the date of their publication in the Chandigarh Administration Gazette.

2. In the "Government Residences (Chandigarh Administration General Pool) Allotment Rules, 1996" hereinafter referred to Rules of 1996, the existing relevant Rules, Rule-SR-317-AM-2(h), 2(i), 5<sup>th</sup> proviso of 2(o), 8(1), Policy guidelines dated 17<sup>th</sup> December, 2009 event (d) of Annexure 'A' appended with House Allotment Rules – 1996 and Rule 11, the following shall be substituted namely:-

"(i) Only Chairpersons of Human Rights Commissions, Lokayuktas, Chief Information Commissioners, State Election Commissioners and Chief Commissioners of Right to Service/Transparency and Accountability Commissions as established by the State Government of Punjab, Haryana and



U.T. Chandigarh Administration will be entitled for Government accommodation.

The application of any other Commission/Authority constituted by State Government/U.T. Administration will not be considered irrespective of any provision in their appointment Letter. They can be provided financial compensation for securing accommodation, by their appointing authority.

(ii) "Out of turn allotment" of houses will not be considered for any applicant who is already in occupation of government house unless the occupant has spent 5 years in existing house except in exceptional/medical grounds.

This will apply to even such cases, where the allottee is staying in government accommodation below his entitled category. He has to follow the queue for allotment in the entitled category."

32. As seen from above, this Notification comes into effect from the date of its publication i.e. 31.07.2019. Further, as is clear from a plain reading of this Notification, the applicant is not eligible for Government accommodation as per this Notification. It is true that the applicant was re-appointed vide order dated 27.08.2018 (Annexure A-2) w.e.f. 23.10.2018 and as such, her re-appointment was prior to issue of this Notification. Accordingly, it could be argued that even this Notification is not applicable to the applicant. However, I note that this Notification does not change, modify or delete Rule 6 of the earlier Amendment Notification of 16.11.2018 whereby even existing cases of allotment are to be reviewed. The changes made vide Amendment Notification of July 2019 are only in Rule 2, Rule 8 and



Rule 11 and policy guidelines, as is clearly specified in the leading sentences of this Notification. Rule 6 of the Notification of 16.11.2018 quoted in paragraph 3 of this order is therefore still relevant and is to be applied to the applicant.

33. It is also seen that the applicant has not challenged the Notification of November 2018 and Rule 6 of this Notification in particular. She has also not challenged the Notification of July 2019 at all. Without this, no relief can be granted to the applicant.

34. The applicant's side has placed reliance on Supreme Court judgement in J.S. Yadav Vs. State of U.P. and Anr. (supra). This judgement is however not relevant in the instant case in view of peculiar facts of this case. It is also noted that no retrospective application of the Rules is involved. Rule 6 is also being applied prospectively only after issue of Notification of July 2019.

35. In view of above observations, the applicant does not have any statutory, protected or vested right to allotment of Government accommodation. She becomes ineligible for allotment of Government accommodation w.e.f. 31.07.2019 and in terms of Rule



6, she is to vacate the house as per time line given therein.

36. In view of above observations, the OA is dismissed. Both the parties will bear their own costs.

**(Ajanta Dayalan)  
Member (A)**

Place: Chandigarh

Dated: 14<sup>th</sup> December, 2020

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