



2025:DHC:5076-DB



\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

*Reserved on: 17.04.2025*

*Pronounced on: 01.07.2025*

- (1)+ W.P.(C) 7486/2021 & CM APPL. 24743/2021, 38953/2021,  
42641/2021, 3260/2022, 14919/2022, 51611/2022, 51612/2022,  
53187/2022, 2363/2023, 2364/2023, 59896/2023, 59897/2023
- (2)+ W.P.(C) 9187/2021 & CM APPL. 28606/2021
- (3)+ W.P.(C) 9596/2021 & CM APPL. 29701/2021, 4138-39/2023
- (4)+ W.P.(C) 10089/2021 & CM APPL. 31141/2021, 6693/2022,  
6694/2022, 16413/2022, 16414/2022, 19810/2024, 19811/2024,  
19819/2024, 29861/2024, 29862/2024
- (5)+ W.P.(C) 11882/2021 & CM APPL. 36728/2021
- (6)+ W.P.(C) 5225/2022 & CM APPL. 15586/2022
- (7)+ W.P.(C) 7992/2022 & CM APPL. 24333/2022
- (8)+ W.P.(C) 12794/2022 & CM APPL. 38918/2022
- (9)+ W.P.(C) 13390/2022 & CM APPL. 40656/2022, 44010/2022
- (10)+ W.P.(C) 17615/2022 & CM APPL. 56347/2022
- (11)+ W.P.(C) 580/2023 & CM APPL. 2250/2023, 2251/2023
- (12)+ W.P.(C) 9595/2023 & CM APPL. 36691/2023
- (13)+ W.P.(C) 10414/2023
- (14)+ W.P.(C) 10580/2023 & CM APPL. 41125/2023
- (15)+ W.P.(C) 1163/2024 & CM APPL. 4884/2024
- (16)+ W.P.(C) 7197/2024 & 33749/2024
- (17)+ W.P.(C) 7203/2024 & CM APPL. 46182/2024
- (18)+ W.P.(C) 7217/2024 & CM APPL. 50631/2024
- (19)+ W.P.(C) 7264/2024 & CM APPL. 32519/2024
- (20)+ W.P.(C) 7296/2024 & CM APPL. 33924/2024
- (21)+ W.P.(C) 7320/2024 & CM APPL. 46441/2024
- (22)+ W.P.(C) 7324/2024
- (23)+ W.P.(C) 7392/2024 & CM APPL. 32452/2024
- (24)+ W.P.(C) 7421/2024
- (25)+ W.P.(C) 7424/2024
- (26)+ W.P.(C) 7429/2024 & CM APPL. 42964/2024
- (27)+ W.P.(C) 7442/2024
- (28)+ W.P.(C) 7520/2024 & CM APPL. 31330/2024
- (29)+ W.P.(C) 7522/2024 & CM APPL. 31333/2024



(30)+ W.P.(C) 7526/2024 & CM APPL. 31341/2024  
(31)+ W.P.(C) 7830/2024 & CM APPL. 32432/2024  
(32)+ W.P.(C) 7832/2024 & CM APPL. 32436/2024  
(33)+ W.P.(C) 7862/2024 & CM APPL. 32572/2024  
(34)+ W.P.(C) 7898/2024 & CM APPL. 32635/2024  
(35)+ W.P.(C) 7914/2024 & CM APPL. 32706/2024  
(36)+ W.P.(C) 9195/2024 & CM APPL. 37568/2024  
(37)+ W.P.(C) 10319/2024 & CM APPL. 42291/2024  
(38)+ W.P.(C) 10330/2024 & CM APPL. 42319/2024  
(39)+ W.P.(C) 10333/2024 & CM APPL. 42326/2024  
(40)+ W.P.(C) 10334/2024 & CM APPL. 42328/2024  
(41)+ W.P.(C) 10386/2024 & CM APPL. 42659/2024  
(42)+ W.P.(C) 10408/2024 & CM APPL. 42775/2024  
(43)+ W.P.(C) 10857/2024 & CM APPL. 44670/2024  
(44)+ W.P.(C) 13036/2024 & CM APPL. 54405/2024  
(45)+ W.P.(C) 15282/2024 & CM APPL. 64228/2024  
(46)+ W.P.(C) 1315/2025 & CM APPL. 6502/2025

INSPECTOR MIN GAJENDRA KUMAR	.....Petitioner
ASI/GD MAYANK MEHRA	.....Petitioner
PRABHU NATH PRASAD (DIG, ITBP)	.....Petitioner
SI GD SAYED SHAMIM RIZWI & ORS	.....Petitioners
MANOJ KUMAR SINGH AND ORS	.....Petitioners
REKHA SINGH	.....Petitioner
SANTOSH KUMAR PANDEY AND ORS	.....Petitioners
ASHOK KUMAR UDC	.....Petitioner
DHIRENDRA SINGH SINDHU	.....Petitioner
ISAM SINGH & ANR.	.....Petitioners
RAVINDRA KUMAR SHARMA DIG CRPF	.....Petitioner
COMDT YATINDRA NATH RAI	.....Petitioner
HC BINOD KUMAR PANDEY & ORS.	.....Petitioners
AMRENDRA NARAYAN PANDEY COMMANDANT CRPF	.....Petitioner
RAMJAN ALI AHMED	.....Petitioner
SIVAMONY S	.....Petitioner
P K KANNAN	.....Petitioner
DARSHAN SINGH NEGI	.....Petitioner



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VIKASH KUMAR RAY	.....Petitioner
JOGINDER SINGH	.....Petitioner
SURJIT SINGH	.....Petitioner
MAHESH KUMAR PARMAR	.....Petitioner
KUMAR GAURAW	.....Petitioner
NARESH SINGH	.....Petitioner
UPENDRA KUMAR	.....Petitioner
RAM PRAKASH PUROHIT	.....Petitioner
RAJESH KUMAR SAGAR	.....Petitioner
VIJAY KUMAR	.....Petitioner
RAM ACHAL YADAV	.....Petitioner
ARVIND PAL	.....Petitioner
SUBODH KUMAR CHOUDHARY	.....Petitioner
RAKESH KUMAR	.....Petitioner
SHAMBHU KUMAR YADAV	.....Petitioner
DALBIR SINGH	.....Petitioner
K V THOMAS	.....Petitioner
KANHAIYA KUMAR PATHAK	.....Petitioner
SURESH PANDEY	.....Petitioner
KAMAL SINGH NEGI	.....Petitioner
MUKH RAM GURJAR	.....Petitioner
TRILOKI RAM	.....Petitioner
PARVEEN KUMAR	.....Petitioner
RAM NARESH YADAV	....Petitioner
JITENDRA CHAND	.....Petitioner
BHUPINDRA SINGH SHARMA	.....Petitioner
BUDHI BALLABH TAMTA	.....Petitioner
G. ADINARAYAN REDDY	.....Petitioner

versus

UNION OF INDIA & ORS.	.....Respondents
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**Presence:**

**Petitioners:** Dr. S.S. Hooda, Aayushman Aeron, Advs.  
Mr.Ankur Chhibber, Mr.Anshuman Mehrotra, Advs.  
Mr.Sanjay K. Shandilya, Adv.



Mr.Naushad Alam, Adv.  
Mr.Arvind Kumar Shukla, Mr.Nihal Ahmad, Ms.Surbhi Khanna,  
Ms.Susmita Devi, Mr.Sanskar Krishnan, Ms.Neena Shukla, Adv.  
Mr.B.N.Dubey, Mr.Mahendra Kumawat, Adv.  
Mr.Kulbhushan Arora, Adv.  
Mr. Nikunj Arora, Adv.

**Respondents:** Mr.Farman Ali, SPC, Ms.Usha Jamnal, Adv.  
Ms.Manisha Agarwal Narain, CGSC, Mr.Yash  
Tyagi, GP, Mr.Chandan Deep Singh, Mr.Sandeep  
Singh Somania, Mr.Akhil Gupta, Adv.  
Mr.Sandeep Kr. Mahapatra, CGSC, Mr.Tribhuvan, Mr.Ishaan, Adv.  
Mr.Gagan Kumar, SPC, Mr.Ratan Prakash, GP.  
Ms.Avshreya Pratap Singh Rudy, SPC,  
Ms.Harshita Chaturvedi, Adv.  
Mr.SubhashTanwar, CGSC, Mr.Sandeep Mishra,  
Mr.Naveen, Ms.Bhavi Garg, Mr. Vivek Nagar, GP  
Mr.Kameshwar Nath Mishra, SPC, Mr.Anubhav Tyagi, GP, Ms.Vidya  
Mishra, Adv.  
Mr.Premtosh K. Mishra, Mr.Manish Vashist,  
Ms.Sanya Kalsi, Mr.Utkarsh Singh, Adv.  
Mr.Pavan Narang, SPC, Mr.Himanshu Sethi,  
Ms.Aishwarya Chhabra, Adv.  
Mr.Vikrant N.Goyal, CGSC, Mr.Ankit Prasad,  
Mr.Ravindra Vikram Singh, GP and Mr.Aditya Shukla, Adv.  
Mr.Virender Pratap Singh Charak, Ms.Shubhra Parashar, Mr.Jitendra  
Tripathi, Adv.  
Mr. Vinayak Sharma, SPC  
Ms.Arati Bansal, Ms.Shruti Goel, Ms.Suniti Singh, Mr.Kamal Digpaul,  
Ms.Akankshan, Adv. Mr.Vedansh  
Anand, GP, UOI.  
Mr.T.P.Singh, CGSC for MHA-BSF.  
Mr.Vinay Yadav, SPC, Mr.Abhinav M. Goel, Mr.Divyanshu Sinha,  
Mr.Arsh Kalra, Ms.Kamna Behrani, Adv. for UOI.  
Mr.Vijay Joshi, Adv. for R-1.  
Mr.Chiranjiv Kumar, Mr.Mukesh Sachdeva,  
Ms.Neelima, Adv. for R- 3 & 4  
Mr.Avnish Singh, SPC, Mr.Kapil, Mr.Vishal K.



Yadav, Ms.Kanchan Kumari, Adv.  
Mr.Rajesh Gogna, CGSC, Mr.Nipun Jain, Adv.  
Mr.Vivek Goyal, CGSC, Mr.Gokul Sharma, GP  
Mr.Syed Abdul Haseeb, CGSC, Mr.Hilaq Haider,  
GP, Ms.Butul Khan, Mr.Aakash Meena, Adv. for R-1.  
Mr.Anshuman, SPC with Ms.Vidhi, Ms.Akanksha Jagra, Mr.Sahib  
Gurdeep Singh, GP, Mr.Piyush Ahluwalia, Adv.  
Mr.Kanav Vir Singh, SPC, Mr.Deepak Tanwar, GP, Mr.Rajdev  
Kumar, Adv.  
Mr. Vatsal Joshi, SPC  
Ms.Nidhi Raman, CGSC, Ms.Rashi Kapoor, Adv.  
Ms.Umang Chopra, Mr.Karan Malhotra, GP  
Mr.Virender Pratap Singh Charak, Ms.Shubhra  
Parashar, Mr.Jitendra Tripathi, Ms.Shivangi  
Rajawat, Adv., Mr.Chetan Jadon, GP  
Mr.Ashish K. Dixit, CGSC, Mr.Shivam, Ms.Tiwari,  
Urmila Sharma, Ms.Deepika Kalra, Ms.Venni  
Kakkar, Adv. Mr.Deepak Tanwar, GP, Mr.Rajdev Kumar, Adv.  
Ms.Archana Gaur, SPC, Ms.Ridhima Gaur,  
Ms.Ring Baaliyan, Adv., Mr.Kautilya Birat, GP  
Ms.Pratimam N.Lakra, CGSC, Ms.Pinky Pawar,  
GP, Mr.Chandan Prajapati, Adv.  
Ms.Anubha Bhardwaj, CGSC  
Ms.Niyati Sharma, SPC and Mr.T.Imlinaro Jamir, SPC, UOI.  
Mr.Nishant Gautam, CGSC, Ms.Sanjana Mehrotra,  
Mr.Arindam Sarin, Adv. Mr.Arun Dhiman, (G.P.)  
Ms.Theepa Murugesan, SPC  
Mr.Akshay Amritanshu, SPC, Ms.Swati Mishra,  
Ms.Drishti Saraf, Ms.Pragya Upadhyay, Adv.  
Sub. Ram Niwas  
Mr.Shiv Kumar Singh, Pairvi Officer.  
Mr.Jatin Singh, Mr.Keshav Seghal, Mr.Shivam Gaur, Mr.Kshitij  
Joshi, Mr.Aryan Kumar, Ms.Nandita Sharma, Adv.  
Mr.Neeraj, SPC with Mr.Vedansh Anand, GP with Mr.Sachin  
Saraswat, Adv. for UOI.  
Mr.Amit Tiwari, CGSC with Ms.A.Srivastava, Mr.A.Tanwar, Adv.  
for UOI.



Ms.Arunima Dwivedi, CGSC with Ms.Pinky Pawar, GP, UOI with Ms.Kritika Sharma, Ms.Swati, Advs..

Mr.Piyush Beriwal, Mr.Sandip Munjan, Ms.Jyotsna Vyas, Advs. for R-1.

Mr.Ansugman, SPC with Sub Ram Niwas, (HQ DGBR)

Mr.Rajdev Kumar, Mr.Anesweta Sahoo, Advs. for R-1.

Mr.Rajesh Gogna, CGSC with Mr.Nishant Sharma, Adv., UOI.

Mr.Subhra Parasar, SPC with Mr.Jitendra Kumar Tripathi, Adv. for UOI.

Mr.Gopesh Jindal, Advs. for UOI.

Mr.Ripudaman Bhardwaj, CGSC with Mr.Kushagra Kumar, Mr.Abhinav Bhardwaj, Mr.Amit Kumar Rana, Advs.

Ms.Radhika Bishwajit Dubey, CGSC with Ms.Gurleen Kaur Waraich, Mr.Kritarth Upadhyay, Advs, and Mr.Devender Singh, JAG, ITBP.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**J U D G M E N T**

**SHALINDER KAUR, J.**

1. By way of the present petitions filed under Article 226 of the Constitution of India, the petitioners, who are the members of Central Armed Police Forces (CAPFs) comprising of Indo-Tibetan Border Security Force, Central Reserve Police Force, etc., and are posted to Non-Family Stations, have prayed for the following reliefs:

*“(a) set aside Rule 43 of Central Government General Pool Residential Accommodation Rules, 2017 dated 16.06.2017 as the same restrict the period of retention of GPRA at the last place of posting in case of posting in non family stations to a maximum of 3 years, as ultra vires Part III of the Constitution of India, 1950, as violative of Articles 14, 19 and 21*



*of the Constitution to the basics of providing relief to the employees and families disadvantaged by the virtue of such posting, more so in case of CAPF employees; and/or*

*(b) set aside OM No. 22019/2020-POI-II dated 04.03.2021 and pass orders for retention of GPRA at the last place of posting in case of posting in non-family stations till the end of the academic session of the CAPF officers & men on their revert to peace postings to live with their family; and/or*

*(c) Direct the Directorate of Estates (Min of Housing and Urban Affairs) not to take any coercive or penal action including application of demurrage charges to the petitioners till this petition is sub-judice / decided. (added); and/or”*

2. Since the issues arising in the present batch of writ petitions are identical and concern the validity of Rule 43 of the Central Government General Pool Residential Accommodation Rules, 2017 (in short, 'the CGGPRA Rules'), accordingly, all the petitions are disposed of by way of a common judgment. The petition bearing W.P.(C) 7486/2021 titled ***Inspector (Min) Gajendra Kumar & Ors. v. Union of India & Ors.***, has been treated as the lead matter for the purposes of adjudicating the present batch of Writ Petitions.

### **BACKGROUND**

3. Before dealing with the rival submissions of the parties, we may note the brief factual matrix, as emerging from the record. The petitioners are the personnel belonging to the CAPF and are serving in insurgent area/ Non-Family Stations, under challenging conditions living in remote areas away from their families.



4. The respondents enacted the Allotment of Government Residences (General Pool in Delhi) Rules, 1963 (in short, 'the GP Delhi Rules'), allowing the retention of government accommodation to its employees at the last place of posting, in case of transfer to Non-Family Stations, until the expiry of the academic year of the children of such an employee

5. Pursuant to the decision taken by the Cabinet Committee on Accommodations (in short, 'the CCA') in its meeting held on 16.07.1998, a policy was formulated to grant the benefit of concessional retention to Central Government Employees and All India Services Officers (AIS) who are posted to North Eastern States, Sikkim, Andaman and Nicobar Islands and Lakshadweep, at the last place of posting of such employees.

6. Consequent thereto, the Directorate of Estates, *vide* Office Memorandum (OM) bearing No. 12035/31/96/PoI.II dated 07.09.1998 (hereinafter referred to as the 'OM Dated 07.09.1998'), issued guidelines governing such concessional retention of government accommodation in favour of Central Government Employees and officers of the All India Services, who stand posted to the North Eastern States, Sikkim, Andaman and Nicobar Islands, and Lakshadweep. This facility, *vide* OM No. 12035/2/90-PoI.II dated 15.09.1998, was also extended to the employees posted in the State of Jammu & Kashmir, at par with the employees posted in North-East region which were recognized as the Non-Family Stations posting. In the year 1999, the respondents further extended these benefits to the





employees of the Ministry of External Affairs posted abroad in the Non-Family Stations.

7. The respondents, realizing the hardship and problems faced by the officers posted at non-family stations/hard postings, who could not revert back to the family stations, extended the said facility periodically on three year basis, *vide* subsequent instructions dated 30.09.1999, 30.04.2002, 15.07.2005, 01.07.2008, 03.06.2011, and 09.07.2014, after due consultation with the Ministry of Home Affairs (MHA).

8. It is pertinent to note that the respondents, *vide* OM No. 27012/42/2019.PG.II dated 14.07.2010 (hereinafter referred to as 'the OM Dated 14.07.2010'), recognized the paramilitary personnel posted at the Non-family stations and bestowed upon them with special privileges such as retention of General Pool Residential Accommodation ('GPRA') at the last place of posting for *bonafide* use by the family or additional HRA in place of such retention. The Ministry of Home Affairs, *vide* OM Dated 14.07.2010 extended the scope of this concessional retention policy to also cover areas affected by the Left Wing Extremism (LWE).

9. The extension of the aforesaid facility was again granted *vide* OM No. 12035/4/2015-Pol.II dated 07.04.2015, for a further period up to 30.06.2018.

10. Meanwhile, on 16.06.2017, the Ministry of Housing & Urban Affairs issued the CGGPRA Rules under Article 309 of the Constitution of India, in supersession of the GP Delhi Rules and the



Allotment of Garages (General Pool in Delhi) Rules, 1964, with effect from 17.06.2017.

11. The respondent no. 4, being the custodian of GPRA is responsible for the administration /allotment of GPRA.

12. The abovesaid facility was subsequently extended up to 30.06.2021, *vide* OM No. 12035/4/2015-Pol.II dated 10.04.2018, and again up to 30.06.2024, *vide* OM No. 12035/4/2015-Pol.II dated 08.04.2021, however such retention was restricted to maximum of three years in respect of an individual allottee, in terms of the Rule 43 of CGGPRA Rules. The said Rule curtailed retention of GPRA at a Non-Family Station to a maximum period of three years, notwithstanding any ongoing posting beyond that period.

13. Certain CAPF officers filed before this Court a Writ Petition, being W.P.(C) No. 4562/2020 titled ***Shambhu Nath Jha & Ors. v. Union of India & Ors.***, challenging Rule 43 of the CGGPRA Rules to the extent that it restricted the retention of GPRA at the last place of posting in cases of transfer to Non-Family Stations to a maximum of three years. The said petition also sought setting aside OMs dated 14.11.2017, 10.04.2018, and 15.06.2018 insofar as they imposed similar restrictions.

14. The said writ petition was disposed of by the Co-ordinate Bench of this Court, *vide* Order dated 25.11.2020, granting the petitioners liberty to withdraw the petition and approach the Competent Authority seeking relaxation under Rule 83 of the CGGPRA Rules. It was further directed that if a representation was filed within one week, the



Competent Authority was to consider the same in accordance with law and the applicable rules, particularly in light of the prevailing COVID-19 pandemic.

15. Pursuant to the said order, several representations were submitted by CAPF officers to the Competent Authority requesting extension of GPRA retention beyond three years, by invoking the relaxation powers under the Rule 83 of the CGGPRA Rules.

16. It is the case of the petitioners that the Director General of CRPF, by way of a letter dated 04.02.2021 addressed to the Secretary, Ministry of Home Affairs, had also expressed dissatisfaction with the arbitrary three-year cap imposed under the Rule 43 of the CGGPRA Rules.

17. It is further the case of the petitioners that even the Home Minister had addressed a letter dated 06.02.2018 to the Minister for Housing and Urban Affairs, requesting that the service conditions of CAPF personnel, who are posted in disturbed and difficult areas, be taken into account and the retention period of GPRA be extended beyond three years.

18. The petitioners have pleaded that in response, the Minister of State, Ministry of Housing and Urban Affairs, *vide* letter dated 01.03.2018, conveyed that the Rule 43 of the CGGPRA Rules would be suitably amended in consultation with the Secretary, Ministry of Home Affairs, to ensure that CAPF personnel could continue to retain government accommodation beyond the stipulated three-year limit.



19. Despite this, the Ministry of Housing and Urban Affairs, Directorate of Estates, issued the Impugned Order dated 04.03.2021, rejecting the representations of the CAPF officers.

20. The Competent Authority had granted extension of retention of GPRA to CAPF Personnel, posted to Non-Family Stations, beyond a period of three years up to 30.06.2021 and has directed that beyond the said cut-off date, allottees shall be liable to face penal action in case the allotted accommodation is not vacated, purportedly by exercising the relaxation powers under Rule 83 of the CGGPRA Rules. However, Rule 43 of the said Rules was kept intact.

21. Being aggrieved by the Rule 43 of the CGGPRA Rules and Order dated 04.03.2021, the petitioners have approached this Court, primarily on the ground that restriction on retention of GPRA by CAPF employees to a maximum of three years, is completely arbitrary and discriminatory. They have also challenged the penalty imposed on them by the Directorate of Estate for retaining the GPRA beyond the said limit.

22. It is relevant to note that this Court, *vide* Order dated 06.08.2021 passed in W.P.(C) No. 7486 of 2021, directed a stay on the operation, implementation, and execution of the OM No. 22019/1/2020-PoI-II dated 04.03.2021 issued by the Directorate of Estates.

### **SUBMISSIONS ON BEHALF OF THE PETITIONERS**

23. The learned counsels for the petitioners submit that the fundamental objective behind granting the benefit of retention of



GPRA at the last place of posting, in cases where employees are transferred to Non-Family or hard stations, is to fulfill the legitimate expectation of CAPF personnel that while these officers serve in the remotest and most difficult parts of the country, their families should be allowed to reside safely, with access to proper educational facilities, healthcare facilities, and a peaceful living environment. Furthermore, it was submitted that the conditions of service cannot be now varied, forcing the families to vacate such accommodations. It was urged that it would not only cause severe inconvenience but would also defeat the very rationale and purpose of the underlying provision for retention of GPRA during Non-Family Postings.

24. The learned counsels submit that the Rule 43 of the CGGPRA Rules is arbitrary and void for being violative of Article 14 of the Constitution of India inasmuch as it treats Central Government employees posted on civilian posts and personnel of the CAPF at par, despite them forming distinct classes. They contended that the restriction on retention of GPRA to a maximum of three years must bear a direct nexus to the tenure of posting at such Non-Family/Hard Stations. They submitted that the capping of the retention of GPRA at three years, does not adequately benefit CAPF personnel, who may continue to be posted at Non-Family Stations beyond this period. As a result, they are compelled to forego retention of GPRA at their last place of posting, even while continuing at a Hard Station. It was thus urged that the Impugned Rule arbitrarily equate unequals with equals, leading to discriminatory treatment.



25. It was also submitted that as far as the CAPFs are concerned, both Officers and Personnel Below Officer Ranks, are frequently transferred from one Non-Family Station to another, such as from the Jammu & Kashmir to the North-Eastern region or to the Left Wing Extremism affected areas, and *vice versa*. In such circumstances, the personnel remain continuously posted at Non-Family Stations without any tenure at family stations. It was further submitted that since 2009, many petitioners have been serving in Hard Areas till date. Thus, the CAPF personnel cannot be denied their entitlement to retain government accommodation at their last place of posting. It was emphasized that the same ought to be permitted for the entire duration of their deployment at the Non-Family Stations and be not curtailed to a period of three years.

26. It is further submitted that the respondents have not considered the Home Minister's letter dated 06.02.2018 to the Minister for Housing and Urban Affairs.

27. Lastly, it was submitted that certain petitioners have been directed to pay penal license fees on account of continued occupation of the GPRA at Delhi beyond the cut-off date as stipulated by the respondents. It was further submitted that such liabilities are reflected in the respective Rent Assessment Reports and prayed that the same be set aside.

### **SUBMISSIONS ON BEHALF OF THE RESPONDENTS**

28. On the other hand, the learned counsels appearing on behalf of the respondents submit that the said GPRA Rules were duly notified



on 16.06.2017, in the exercise of powers conferred under the *proviso* to Article 309 of the Constitution of India, after being laid before both the Houses of Parliament. The GPRA is allotted to the eligible Central Government Employees based on the rationale that Government Employees should ideally reside near their place of posting, so that they are readily available to attend to official duties and can respond promptly in case of any exigency.

29. The learned counsels, drawing our attention to the Rule 40 of the CGGPRA Rules, submits that the said rule provides for retention of GPRA in cases such as death of the allottee, retirement, study leave, voluntary retirement, transfer to an ineligible zone, deputation, and other such situations for varying prescribed durations. This provision demonstrates that the Rules are designed to accommodate the needs of government servants, who due to the exigencies of service or personal circumstances, require access to residential accommodation beyond the normal period of allotment.

30. The learned counsels further submits that Rule 43 was introduced for the first time under the CGGPRA Rules with effect from 17.06.2017. This Rule specifically deals with concessional retention of accommodation at the last place of posting for government servants who are subsequent to the allotment, posted to Non-Family Stations. Under this Rule, such retention was limited to a maximum period of three years. The restriction was imposed after detailed examination of the matter considering factors such as acute shortage of government residential quarters and long waiting lists of



eligible officers seeking accommodation. While placing the relevant data before this Court, the learned counsels submitted that the data indicates the status of demand and supply as on 02.04.2025.

31. They submit that the implementation of this newly introduced Rule was clarified through OM No. 12035/4/2015-POI.II dated 15.06.2018, which laid down the following conditions: i) retention shall be given for entire period of transfer or till 30.6.2018 whichever is earlier, at the first instance. Thereafter retention shall be given till the date of completion of their period of transfer or 3 years (that is, 18.06.2020) whichever is earlier. ii) For employees transferred on or after 19.06.2017, retention was allowed for a maximum of three years or till 30.06.2021, whichever was earlier.

32. The learned counsels submitted that the 7<sup>th</sup> Central Pay Commission had recommended that CAPF personnel also retain the flexibility to keep their families either at the last place of posting or at any other location of their choice across the country and can claim the additional HRA accordingly, based on the place of residence of the family.

33. It is submitted that the Ministry of Home Affairs has already addressed the concern of petitioners that while they are posted to Non-Family Stations, their families should be allowed to reside safely, through its OM No. II-27012/29/2018-PF-I dated 22.01.2019, which allows the grant of additional HRA to officials posted at Non-Family Stations, once the GPRA is vacated by their families after the





permissible three-year retention period. This additional HRA is over and above the HRA admissible at the new place of posting.

34. Concluding their arguments, they submit that in addition to GPRA, the CAPFs also maintain their own housing stock in the form of Departmental Pool quarters, and a substantial number of such quarters are currently lying vacant. The petitioners can approach their respective Competent Authorities for allotment from this pool, rather than insisting on retention of GPRA for an indefinite period. Retaining GPRA quarters, while Departmental Pool houses remain unoccupied, learned counsels submit, is not justified, particularly when it causes inconvenience to other eligible applicants in need of an accommodation.

35. They urged that as of now, around 8.68% of the total GPRA housing stock in Delhi is already occupied by CAPF personnel. Given the limited housing stock and the acute shortage in Delhi, permitting unlimited retention of GPRA by CAPF families would lead to deprivation of accommodation for other eligible Central Government employees, including incoming CAPF officers who are transferred to Delhi. Such unregulated retention, therefore, undermines the principle of fair allocation of government housing resources.

**Submissions in rejoinder by the learned counsels for the petitioners:**

36. In rebuttal, the learned counsels for the petitioners submit that mere grant of additional HRA after completion of three years, does not adequately address the core issue, which pertains to the challenge



of securing alternative accommodation and relocating the entire family. Such relocation entails the hardships to the family members, of getting used to a new environment and locality and who are compelled to undergo these adjustments in the absence of the personnel. Given that CAPF personnel are often deployed at Non-Family Stations, they are neither physically present nor in a position to maintain regular communication with their families for extended periods. This, the learned counsels submit, is unfair and unjust for their families.

### **ANALYSIS & CONCLUSION**

37. We have heard the learned counsels for the parties and carefully considered the material available on record.

38. At the outset, we may herein itself note that this Court, vide its Order dated 12.11.2024, had raised a query to the learned counsels of the parties regarding the territorial jurisdiction of this Court to entertain the present petition in view of the Order of the Supreme Court in Transfer Petition (s) (Civil) no(s).1317-1322/2023, titled *Union of India & Ors. etc v. Brijesh Yadav & Ors. etc*, wherein the Supreme Court had transferred all the related matters to the Guwahati High Court. We may note that the parties have filed their respective affidavits submitting that they have no objection and submit to the territorial jurisdiction of this Court to adjudicate the present batch of petitions.

39. Coming to the merits of the case, we may note that the Statutory law and Rules govern the allotment of government accommodation in



favour of government employees. The Allotment Rules, thus, determine various aspects with respect to government accommodation to be allotted to a government employee, such as allotment, cancelation, extension, and vacation of government accommodation.

40. Undisputedly, the government employees have a reasonable right of being considered fairly for receiving benefits that are to be granted under the Allotment Rules, however, in the present case, the main grievance raised by the petitioners is addressed against the imposition of a maximum limit of three years for retention of the government accommodation at the last place of posting, when a Force personnel is thereafter posted to a Non-Family Station.

41. It is the case of the petitioners that the said restriction, insofar as it applies to members of the CAPF, is arbitrary and violative of Article 14 of the Constitution of India. The contention of the petitioners is that the Rule in question fails to note the difference between CAPF personnel and other government employees similarly placed, who may also be posted to Non-Family Stations. The tenures of CAPF employees may extend beyond the prescribed period of three years. The consequence, it is urged, is that the families of such personnel would have to vacate the government accommodation upon expiry of the maximum retention period, that is, three years, notwithstanding the fact that the Force personnel will remain posted at Non-Family Stations, causing lot of distress and hardship to the families of such Force personnel.



42. In this regard, it is apposite to refer to the decision of the Supreme Court in *Asha Sharma vs. Chandigarh Administration & Ors.*, (2011) 10 SCC 86, wherein while dealing with the powers of the Supreme Court under Article 32 and of the High Courts under Article 226 of the Constitution to issue directions, orders and writs with respect to action by the State, whether administrative or executive, it was held as under:-

*“22. It is a settled canon of Constitutional Jurisprudence that this Court in the process of interpreting the law can remove any lacunae and fill up the gaps by laying down the directions with reference to the dispute before it; but normally it cannot declare a new law to be of general application in the same manner as the Legislature may do. This principle was stated by a Seven-Judge Bench of this Court in the case of P. Ramachandra Rao v. State of Karnataka.*

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*25. On the analysis of the above principles, it emerges that the Court would exercise its jurisdiction to issue appropriate writ, order or directions with reference to the facts and circumstances of a given case. Normally, the courts would not step in to pass directions, which could, at times, be construed as a form of legislation. Articles 32 and 226 of the Constitution confer on this Court and the High Court the power to issue directions, orders or writs for achieving the objectives of those Articles. The courts, in the past, have issued directions for various purposes. In public interest, the courts may pass directions and even appoint committees for inducing the Government to carry out the constitutional mandate. The courts have been taking due care while exercising such jurisdiction so that*



*they do not overstep the circumscribed judicial limits.”*

43. From the aforesaid decision, it emerges that the Constitutional Courts can pass directions to ensure that statutory or executive authorities do not act arbitrarily, discriminatorily or contrary to the settled law.

44. Furthermore, the scope and purpose of Article 14 of Constitution of India was discussed by the Constitutional Bench of the Supreme Court in ***Ajay Hasia & Ors. v. Khalid Mujib Sehravardi & Ors***, (1981) 1 SCC 722, by holding as under:

*“16.....It was for the first time in E.P. Royappa v. State of Tamil Nadu [(1974) 4 SCC 3, 38 : 1974 SCC (L&S) 165, 200 : (1974) 2 SCR 348] that this Court laid bare a new dimension of Article 14 and pointed out that that article has highly activist magnitude and it embodies a guarantee against arbitrariness. This Court speaking through one of us (Bhagwati, J.) said:*

*”The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination. Now, what is the content and reach of this great equalising principle? It is a founding faith, to use the words of Bose, J., ‘a way of life’, and it must not be subjected to a narrow pedantic or lexicographic approach. We cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be ”cribbed, cabined and confined “within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and*



*arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment.”*

*This vital and dynamic aspect which was till then lying latent and submerged in the few simple but pregnant words of Article 14 was explored and brought to light in Royappa case [(1974) 4 SCC 3, 38 : 1974 SCC (L&S) 165, 200 : (1974) 2 SCR 348] and it was reaffirmed and elaborated by this Court in Maneka Gandhi v. Union of India [Maneka Gandhi v. Union of India, (1978) 1 SCC 248 : (1978) 2 SCR 621] where this Court again speaking through one of us (Bhagwati, J.) observed: (SCC pp. 283-84, para 7)*

*”Now the question immediately arises as to what is the requirement of Article 14: What is the content and reach of the great equalising principle enunciated in this Article? There can be no doubt that it is a founding faith of the Constitution. It is indeed the pillar on which rests securely the foundation of our democratic republic. And, therefore, it must not be subjected to a narrow, pedantic or lexicographic approach. No attempt should be made to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits.... Article 14 strikes at arbitrariness in State action and ensures fairness and equality of*



*treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Article 14 like a brooding omnipresence.”*

*This was again reiterated by this Court in International Airport Authority case [(1979) 3 SCC 489] at p. 1042 (SCC p. 511) of the Report. It must therefore now be taken to be well settled that what Article 14 strikes at is arbitrariness because any [ Under Article 32 of the Constitution] action that is arbitrary, must necessarily involve negation of equality. The doctrine of classification which is evolved by the courts is not paraphrase of Article 14 nor is it the objective and end of that article. It is merely a judicial formula for determining whether the legislative or executive action in question is arbitrary and therefore constituting denial of equality. If the classification is not reasonable and does not satisfy the two conditions referred to above, the impugned legislative or executive action would plainly be arbitrary and the guarantee of equality under Article 14 would be breached. Wherever therefore there is arbitrariness in State action whether it be of the legislature or of the executive or of an ”authority “under Article 12, Article 14 immediately springs into action and strikes down such State action. In fact, the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme and is a golden thread which runs through the whole of the fabric of the Constitution.”*

45. Additionally, it would be relevant to take note of the observations of Supreme Court in ***Sharma Transport v. Govt. of A.P.***, (2002) 2 SCC 188, the said observations are here under:

*“25.....The tests of arbitrary action applicable to executive action do not*



*necessarily apply to delegated legislation. In order to strike down a delegated legislation as arbitrary it has to be established that there is manifest arbitrariness. In order to be described as arbitrary, it must be shown that it was not reasonable and manifestly arbitrary. The expression “arbitrarily” means : in an unreasonable manner, as fixed or done capriciously or at pleasure, without adequate determining principle, not founded in the nature of things, non-rational, not done or acting according to reason or judgment, depending on the will alone.....”.*

46. What becomes evident from the above judgments is that while Constitutional Courts under Articles 32 and 226 can issue directions/writs to prevent arbitrariness, however, such directions must be grounded in the specific facts of the case and must not amount to judicial legislation. Furthermore, even delegated legislation can be struck down if it is shown to be manifestly arbitrary, that is, lacking reason, judgment, or any rational basis. For an action to be arbitrary, it must deny equality. If it is found to be arbitrary, Article 14 at once comes into play and strikes down such State action.

47. Therefore, what falls for consideration before us is whether the Rule 43 of the CGGPRA Rules is arbitrary in treating Central Government employees in civilian posts and CAPF personnel equally, though allegedly they belong to different classes.

48. In view of the above, for proper analysis of the grievance raised on behalf of the petitioners, we may first note the Rule 40 of the CGGPRA Rules, which provides certain conditions where an





employees could retain their accommodation. The said Rule reads as under:

***“40. Concessional period of retention.-***

*(1) The allottee may, subject to the conditions laid down in these rules, be permitted to retain the accommodation on the happening of any of the events specified in column (2) of the table below, for the period specified in the corresponding entry in column (3) thereof, provided that the accommodation is required for the bonafide use of the allottee or members of his family:*

***Table***

<b>Sl. No.</b>	<b>Events</b>	<b>Permissible period for retention of accommodation</b>
(1)	(2)	(3)
(i)	Resignation, dismissal or removal from Service, termination of service or unauthorised absence without permission, compulsory retirement [under CCS (CCA) Rules, 1965] and for non-regular Government servants.	one month on normal licence fee
(ii)	Retirement, voluntary retirement, retirement on medical grounds, terminal leave compulsory retirement [under FR 56(3)], retirement on deputation from ineligible organisations during the initial constitution of such organisation, technical resignation, death of allottee on re-employment (irrespective of retention availed on retirement) and death of an allottee who is not a regular Government servant or deputation outside India.	six months on normal licence fee
(iii)	Transfer to a place outside from the existing place, transfer to an ineligible office in the same station, on proceeding on foreign service in India, temporary transfer in India or transfer to a place outside India or deputation within India.	Two months on normal licence fee plus six months on double licence fee.



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(iv)	To eligible spouse or ward case of death of the allottee or in case of missing persons (from the date on which Police authority have certified the employee is missing)	Twelve months on normal licence fee and for a further period of twelve months on normal licence fee provided the deceased or missing allottee or any member of the family does not own a house at the place of occupation of accommodation.
(v)	Study Leave	Actual period of leave or two years. whichever is earlier
(vi)	All authorised and sanctioned leave except extraordinary leave without medical grounds, on proceeding on training, on mandatory posting under Central Staffing Scheme to Lok Sabha or Rajya Sabha Secretariat on certificate from Establishment Officer, Department of Personnel and Training, and on transfer to a non-family station abroad declared by Ministry of External Affairs (provided the allottee or members of family does not own a house at the last place of posting)	For the full period of leave/posting on normal licence fee
(vii)	On transfer or deputation to Public Sector Undertakings, Statutory and Autonomous bodies on their initial constitution	Sixty months on normal licence fee plus House Rent Allowance drawn by the allottee from the organisation
(viii)	Leave preparatory to retirement or refused leave granted under FR 86 or Earned med leave granted to Government servant who retired under FR 56(j)	For the full period of leave on full average pay subject to a maximum period of one hundred and eighty days in the case of leave preparatory to retirement and four months in other cases, inclusive of the period permissible in the case of retirement on normal licence fee



(ix)	<p>(i) On mandatory posting to Public Sector Undertakings, Statutory and Autonomous Bodies under Central Staffing Scheme on certificate from Establishment Officer, Department of Personnel and Training or from Other Ministries or Departments of the Government of India; and</p> <p>(ii) On mandatory posting at the same station to Public Sector Undertakings, Statutory and Autonomous Bodies under Non-Central Staffing Scheme on certificate from Establishment Officer, Department of Personnel and Training for balance period of central deputation after serving four years under Central Staffing Scheme</p>	Full period of posting on normal licence fee plus House Rent Allowance drawn by the allottee from the organisation
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*(2) The license fee free allottees of general pool residential accommodation shall be allowed to retain the accommodation for a period of one month on retirement: Provided that on expiry of one month period, the allottee shall pay licence fee for retention of accommodation as prescribed in these rule.*

*(3) All allottees of general pool residential accommodation shall furnish a self-certificate to the Directorate of Estates in case they are on leave for more than six months and retention of accommodation is required for family."*

49. However, the provision under the Rule 43 of the CGGPRA Rules allows retention of government accommodation to employee on posting to Non-Family Stations for a maximum period of three years. The said Rule reads as under:

***"43. Retention granted on posting to non-family stations.- Retention granted to allottees (including AGMUT cadre officers) of GPRA at their last place of posting in case of their***



*posting to different non-family stations for bonafide use of their family members under different guidelines of Government of India issued from time to time, will be restricted to a maximum of three years.”*

50. The petitioners have contended that the restriction on retention of GPRA to a maximum of three years ought to bear a direct nexus to the tenure of posting at such Non-Family/Hard Stations and that where a Force personnel continues to remain posted at such a station beyond three years, the period of retention ought to be extended accordingly.

51. The respondents, while defending the said Rule, submitted that the same were duly notified on 16.06.2017 in exercise of the powers conferred under the proviso to Article 309 of the Constitution of India, and has been laid before both Houses of Parliament. Further, the cap of three years for retention of government accommodation is necessitated by the limited availability of residential quarters and the demand for the same. The continued retention by outgoing employees hampers allotment to those who are subsequently also posted to Non-Family Stations in comparison to those who are posted to Non-Family Stations from time to time.

52. The respondents also submitted that in cases where CAPF personnel are posted to Non-Family Stations for a duration exceeding three years, they are entitled to an additional HRA, which is over and above the HRA given at the new place of posting. Furthermore, CAPF personnel are afforded the flexibility to keep their families either at the last place of posting or at any other location of their choosing



across the country and may accordingly claim the additional HRA based on the location of their family's residence.

53. The respondents brought to the notice of this Court a demand and availability status of the GPRA, showing that the demand and supply gap is comparatively higher. The said table is reproduced herein below:

Demand and Availability Status of General Pool Residential  
Accommodation in New Delhi as on 02-04-2025

House Type	Demand Status			Availab ility	Short age	% of Satisfacti on Level
	Waiting Demand	Occupied				
1	1114	5251	6365	9287	0	145.00
2	7266	19668	26934	23412	3522	86.00
3	12929	9482	22411	9848	12563	43.00
4	3253	6064	9317	6309	3008	67.00
4S	2439	747	3186	774	2412	24.00
5A	1273	2064	3337	2122	1215	63.00
5B	1307	1177	2484	1268	1216	51.00
6A	644	1020	1664	1028	636	61.00
6B	1095	174	1269	210	1059	16.00
7	55	266	321	311	10	96.00
8	89	129	218	148	70	67.00
DS	0	1147	1147	1408	0	122.00
SK	0	468	468	492	0	105.00
Total	31464	47657	79121	56617	25711	72.77

54. Furthermore, the additional HRA, as mentioned above, was granted by the MHA *vide* its OMNo.II-27012/29/2018-PF-I dated 22.01.2019. The said OM reads as under:

“OFFICE MEMORANDUM

*Sub: Grant of additional HRA to CAPF personnel on their transfer to non-family locations in the event of their vacation of Government accommodation retained by them after 3 years.*

*The undersigned is directed to say that a proposal for grant of HRA of Old Station/Selected Place of Residence, in addition to the HRA admissible at the new place of posting, to CAPF personnel on their transfer to non-family*



*locations, viz. North Eastern Region, Sikkim, Andaman & Nicobar Islands, Lakshadweep Islands, State of Jammu & Kashmir and Left Wing Extremist (LWE) areas, in the event of their vacation of Government accommodation retained by them after 3 years, as per Ministry of Housing & Urban Affairs OM No. 12035/4/2015-Pol.II dated 14.11.2017 and 01.08.2018, till they remain posted in such non-family stations, was examined in this Ministry in consultation with Ministry of Finance (Department of Expenditure), and it has agreed to:-*

*(i) allow HRA, on vacation of the Government accommodation by families of CAPF personnel after 3 years retention period, who are posted in non-family stations/locations (as defined by M/o Housing & Urban Affairs in their OM dated 01/08/2018), in addition to the HRA admissible at the new place of posting.*

*(ii) relax the mandatory provision of keeping families of CAPF personnel at last place of posting for allowing HRA at the rate of Selected Place of Residence.*

*2.This issues with the approval of Ministry of Finance (Department of Expenditure), vide their ID No.28/2/2018-E.II(B) dated 18.01.2019 and as vetted by Integrated Finance Division of this Ministry vide their Dy No.3437419 dated 22.01.2019.”*

55. It evident from the above that there is significant shortage of GPRA quarters and an additional HRA is being paid to the CAPF personnel, in case his posting continues to Non-Family Station(s).

56. At this stage, it is pertinent to note the observation of the Supreme Court in ***Indra Sawhney v. Union of India***, 1992 Supp (3) SCC 217, wherein it was observed as under:

*“255.....A balance has to be maintained between the competing values and the rival claims and interests so as to achieve equality and freedom for all.”*

57. Although the aforementioned observations were made in the context of reservations, the foundational principle laid down remains



equally applicable to the present case, that is, of maintaining a delicate balance between competing rights and rival contentions of the parties.

58. In the light of the aforementioned principle of law, it is to be noted that the freshly posted employees are equally entitled to accommodation under the provisions of the CGGPRA Rules, and such entitlement is not confined to members of the CAPF but also extends to other central government employees. This Court cannot, thus, lose sight of the fact that a large number of employees of the central government and CAPF are awaiting their allotment and are being deprived of the benefit of allotment of government accommodation for long periods and their indefeasible entitlement to government accommodation shall be defeated, if the CAPFs personnel continued to hold the GPRA beyond a restricted period.

59. Therefore, it becomes imperative to recognise that a balance must be struck between the grievances of CAPF personnel for extended retention of government accommodation and the corresponding rights of other employees, not only of CAPF personnel but also other central government employees, who become entitled to allotment upon their posting to a new station.

60. Furthermore, this Court cannot brush aside the fact that some of the petitioners are serving in Non-Family Stations since 2009 and they had been granted many extensions earlier. In addition, there are employees who have not vacated their accommodations for a long period of time. In our considered view, permitting such personnel to retain government quarters indefinitely, beyond the stipulated three-



year period, while others are compelled to await allotment, would not only be unfair but would also defeat the broader objective of CGGPRA Rules, creating trouble for others waiting for such allotments.

61. The respondents have sought to maintain this balance by extending to Force personnel, who continue to serve at a Non-Family Station beyond a period of three years, an additional HRA over and above the HRA admissible at their new place of posting, thereby enabling them to make suitable arrangements for their families.

62. Insofar as the issue of equal treatment between civilian Central Government employees and CAPF personnel is concerned, it must be seen in the context of the prevailing circumstances, including the shortage of government quarters coupled with the grant of additional HRA, thus, in such a scenario, the equal treatment cannot be said to be manifestly arbitrary or violative of Article 14 of the Constitution of India.

63. It has further been brought to the notice of this Court that even upon being required to vacate the GPRA after the stipulated three year period, the petitioners are at liberty to approach their respective departments for provision of accommodation for their families.

64. In conspectus of the facts and circumstances, we are of the considered view that the Rule 43 of the CGGPRA Rules cannot be held to be arbitrary or violative of Article 14 of the Constitution of India, inasmuch as the same has been framed upon due consideration of all relevant factors. The imposition of a three-year cap on retention





of accommodation does not appear to be either whimsical or fanciful so as to invite the vice of arbitrariness, thereby warranting the invocation of Article 14 of the Constitution of India.

65. It is a settled position in constitutional jurisprudence that Courts must exercise restraint and refrain from interfering with policy decisions or statutory rules framed by the State, so long as they are not unconstitutional, irrational, or manifestly arbitrary. The judiciary does not sit in appeal over the wisdom of the Legislature or the Executive and cannot substitute its own views merely because another policy or provision may appear more reasonable or fair. As long as a rule or legislation is made in good faith, is within the competence of the authority framing it, and does not violate fundamental rights or constitutional mandates, courts ought not to intervene. It is not the function of the Courts to undertake governance or policy-making, which lies squarely within the domain of the Legislature and Executive, judicial review in such matters is limited to examining legality, not desirability.

66. The petitioners have additionally sought extension of their accommodation by invoking the powers vested under Rule 83 of the CGGPRA Rules. The said Rule reads under:

*“83. Relaxation of rules.- The Central Government may for reasons to be recorded in writing, relax any or all of the provisions of these rules in the case of any allottee or any accommodation or any group or class of allottees or type of accommodation or on any other matter.”*



67. Having examined the matter in its entirety, we find no substantive ground to accede to this prayer as a matter of policy. However, if the petitioners, on individual basis, make out some special circumstances, they are at liberty to approach the Competent Authority for due consideration of their specific case, in accordance with the applicable rules and policies.

68. Turning to the contention of the petitioners that certain charges/penalties have been imposed upon them. We, under our limited jurisdiction, are not inclined to adjudicate the said prayer of the petitioners. However, the petitioners are at liberty to move an appropriate application before the Competent Authority in accordance with the law and applicable Rules.

69. Accordingly, we do not find any merit in the pleas raised by the petitioners. The present petitions, along with pending applications, if any, are therefore dismissed.

**SHALINDER KAUR, J**

**NAVIN CHAWLA, J**

**JULY 01, 2025/SK**

*[Click here to check corrigendum, if any](#)*