

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

+ **W.P.(C) No.3511/2014**

% **19th February, 2015**

VEENA CHHIBBER

..... Petitioner

Through: Counsel for the petitioner (appearance
not given).

Versus

DVB EMPLOYEE TERMINAL BENEFIT FUND-2002 (PENSION
TRUST) AND ANR. Respondents

Through: Ms. Meenakshi Midha, Advocate with
Mr. Siddhartha Nagpal, Advocate for
respondent No.1.
Mr. Prashant Mehta, Advocate with
Ms. Bhumi Aggarwal, Advocate for
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. After arguments, this petition filed under Article 226 of the Constitution of India is pressed only to the extent of seeking correction in the impugned letter dated 13.12.2012 that the period for recovery should not be from 1.10.2004 to 16.2.2006 but should only be from 1.10.2004 to 28.12.2005 inasmuch as on 28.12.2005 the accommodation in question

being C-6, Type-III, DTL Colony, Timarpur, Delhi stood duly allotted to Sh. Sanjay Chibber, son of the petitioner. This letter dated 28.12.2005 reads as under:-

“No.F.DTL/1011/2005-HR(DM(A)I)/294

Dt:28-12-2005

Dy. General Manager (Admn.)
North Delhi Power Ltd,
S/Stn. Building, Hudson Lines,
Kingsway Camp, Delhi-09

Subject:- Allotment of Qtr. No.C-6, Type-III, Timarpur DTL Colony, Delhi

Sir,

Reference your letter No.ND.AND/6-03/26 dated 30-9-05 regarding allotment of quarter No.C-6, Type-III, DTL Colony Timarpur, Delhi to Sh. Sanjay Chibber, E. No.33402, AG.III of NDPL in lieu quarter No.7, Type-III, NDPL Colony, Narela, Delhi.

The competent authority has approved the transfer of Qtr. No.C-6, DTL Colony, Timarpur for further allotment to Sh. Sanjay Chibber, AG.III, 33402 provided NDPL transfers Qtr. No.7, Type-III, NDPL Colony Narela to DTL. Other terms and conditions in this regard will be communicated separately.

Sd/-
(SUDERSHAN KUMAR)
Dy. Manager (Admn) I

Copy to:-

1. Asstt. Manager (Billing) Transco: For information and necessary action please.
2. Manager (T) Civil-II: For information please
3. Sectional Head alongwith a separate copy. He is requested to obtain dated acknowledgment of Sh. Sanjay Chibber, 33402, AG.III, Model Town

Through DGM (A) NDPL

Sd/-
Dy. Manager (Admn.)I”

2. Counsel for the respondents though tried to put up some sort of argument in defence to justify the date of 16.2.2006, however, the argument is totally shallow and without any substance inasmuch as once by the letter dated 28.12.2005 there was an allotment of the subject accommodation/quarter in favour of Sh. Sanjay Chibber, thereafter it cannot be said that there is any illegal or unauthorized accommodation by the petitioner of the quarter in question.

3. Accordingly, this writ petition is allowed to the limited extent, as prayed for, that the period of recovery will not be from 1.10.2004 to 16.2.2006 but will only be for the period from 1.10.2004 to 28.12.2005.

FEBRUARY 19, 2015
Ne

VALMIKI J. MEHTA, J.