

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) No.1560/2015**
% **19th February, 2015**

SH. PRAKASH KEDIA Petitioner
Through: Ms. Prabha Sharma, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Mr. Rajesh Gogna, Advocate for
respondent Nos.1 and 2.
Mr. T. Singhdev, Advocate with Mr.
Manan Khera, Advocate for
respondent Nos.3 to 7.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Articles 226 & 227 of the Constitution of India, the petitioner impugns the action of the employer/IIT, Delhi represented by respondent nos.3 to 7 herein, whereby petitioner's entitlement to stay in the accommodation being flat no.IP-85, IIT Campus, Hauz Khas, New Delhi has been terminated.

2. The reasons given by the respondent nos.3 to 7/employer for terminating the entitlement of the petitioner to the subject flat no.IP-85 is
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that the said accommodation is a family accommodation and it is not meant for the use of non-family persons such as the petitioner who is single. The case of the petitioner, however, was that the petitioner was entitled to the said accommodation because his aged parents were living with him.

3. I am surprised as to how petitioner has rushed to this Court in spite of the letter of the respondents dated 28.1.2015 by which the petitioner was asked to submit documentary proof of his parents living with him such as the aadhar card, voter card, ration card, passport etc. The petitioner instead of furnishing the documentary proof to the requisite authority, has however rushed to this Court for quashing of this letter dated 28.1.2015 and the earlier order dated 15.9.2014. The document dated 15.9.2014 which is impugned is a note/order which only states that the petitioner is not entitled to occupy the accommodation since he is single. The letter dated 28.1.2015 is not an eviction order but only a letter giving opportunity to the petitioner to give necessary documentary proof in support of the fact that petitioner's parents are living with him. This letter dated 28.1.2015 reads as under:-

“ INDIAN INSTITUTE OF TECHNOLOGY DELHI

Industrial Research & Development Unit

No.IITD/IRD/M-96/633

Dated: 28/01/2015

Sh. Prakash Kumar Kedia presently working as Project Associate in the project # MI00568 is occupying IRD married accommodation IP-85 since December, 2006 and has submitted that he is staying with his parents in the said IRD married accommodation.

As desired by the Competent Authority, Sh. Kedia is required to submit valid documentary proofs with regard to dependency and residency (Aadhar Card/Voter Card/ Ration Card/ Passport, etc.) of his parents with him from the year 2006 onwards at the said address (IP-85, IIT Delhi).

Accordingly, Sh. Kedia is requested to submit the required documentary proofs on or before 4th February, 2015 positively failing which the action as deemed fit may be taken against him.

Sd/-
(V.K. Vashistha)
Assistant Registrar, IRD

1. Sh. Prakash Kr. Kedia (Emp. Code-10244)
Project Associate (MI00568)
Department of Civil Engineering
(Th: Prof. A.K. Jain, PI)

2. Sh. Prakash Kumar Kedia
IP-85, IIT Delhi.

Cc: 1.Dy. Director (O)
2. Dean (R & D)
3. Associate Dean (HM)”

4. The petitioner, as stated above, instead of responding to the letter dated 28.1.2015 which only asked the petitioner to submit the requisite documentary proof, has approached this Court and that too without filing any documentary proof of his parents staying with him including of documents such as the aadhar card, voter card, ration card, passport etc.

Obviously once there is no documentary proof, the self-serving averments and affidavits that the petitioner's parents are living with him, have no basis for being accepted.

5. In view of the above, there is no merit in the petition and the same is therefore dismissed, leaving the parties to bear their own costs.

FEBRUARY 19, 2015

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VALMIKI J. MEHTA, J.