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

+ W.P.(C) 7688/2015 & CM No. 15065/2015

PAWAN KUMAR

..... Petitioner

Through: Mr Rajesh Gupta, Mr Harpreet Singh &
Mr Mool Chand Verma, Advs.

versus

GOVERNMENT OF NCT OF DELHI & ANR Respondents

Through: Mr Yeeshu Jain & Mr Jaswant Singh,
Advs. for R-1.

Ms Mrinalini Sen Gupta, Adv. for R-2.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

25.08.2015

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1. Mr Jain does not dispute the fact that the issue raised in the present petition is covered by the judgement of this court dated 12.08.2015, passed in WP(C) No. 5493/2013, titled: ***Renu Aggarwal vs Govt. of NCT of Delhi.***

2. To be noted, petitioner's application for allotment of an alternate plot was rejected by communication dated 18.11.2014 on the sole ground that it was beyond the period of one year calculated from the date when compensation was received by him. In other words, the application was dismissed on the ground of limitation prescribed by the respondents.

2.1 This particular issue was dealt with and decided against the respondent by me, in the case of ***Renu Aggarwal vs Govt. of NCT of Delhi.***

2.2 Therefore, the writ petition, according to me, has to be allowed on this sole ground.

3. Furthermore, it has been brought to my notice, by the learned counsel

for the appellant, that the compensation was received, as a matter of fact, on 17.01.2003 and not on 08.05.2002 as noted in the impugned communication.

4. Notice in this petition was issued on 14.08.2015. It was made clear that in case the respondents wish to resist the petition, they will file a counter affidavit in the matter. No counter affidavit has been filed. This fact has remained untraversed. Therefore, in any event, the impugned order is erroneous even on facts. The payment having been received on 17.01.2003, and the application having been filed on 21.08.2003, the date of submission fell within the time frame provided for by the respondents.

5. Accordingly, the petition is allowed. The recommendation committee will issue a notice to the petitioner indicating therein the date, time and venue at which the petitioner would be required to present himself. The recommendation committee will accord a personal hearing to the petitioner and, thereafter, pass a speaking order. The petitioner will be furnished a copy of the speaking order within two weeks of the same being passed. Needless to say, the aforesaid exercise will be completed with due expedition, though not later than three (3) months from today.

6. In case the application of the petitioner is allowed by the recommendation committee, in that eventuality, the petitioner will retain the same seniority as he would have had got, had his application been allowed in the first instance.

7. The writ petition and the application are, accordingly, disposed of.

RAJIV SHAKDHER, J

AUGUST 25, 2015

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