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

+ **W.P.(C) 11393/2015**

SUBEDAR/CLK PAWAN SINGH

..... Petitioner

Through: Mr Virender Singh Kadian, Adv.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Talish Ray, Adv. for respondents 1 to
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CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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22.12.2015

The petitioner is aggrieved by the order posting him out of Delhi, directing him to report Mathura. The impugned order was made on 22.09.2015.

The ground urged in support of the petition is that his wife died leaving behind two children who are presently pursuing their graduation at Delhi University. The petitioner re-married. However, the marriage was not a happy one and order of maintenance was issued pending divorce proceedings. The petitioner had reported, on being posted to 202 CEDU Unit, Delhi Cantt., on 16.05.2015. According to the existing policies, the concerned personnel are entitled to Married Accommodation, or if such official accommodation is unavailable due to shortage, entitled to Compensation In Lieu of Quarters (CILQ). The

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petitioner was availing of such CILQ. On account of financial hardship, the petitioner pleaded on 21.07.2015 for a posting to some other unit, but within Delhi. However, the impugned order directing him to report to Mathura was issued. It is stated that this has resulted in deprivation of financial benefits as the petitioner would be disentitled to the CILQ and in addition would have to bear the financial burden of housing and providing for his children separately apart from making monthly maintenance payouts.

During the course of the proceedings, counsel for the respondents was asked to obtain instructions as to whether the petitioner could be accommodated in Delhi on the condition that he did not insist upon CILQ. This request was made pursuant to the petitioner's representation and averments of his counsel during the course of the hearing. The Court had adjourned the writ petition repeatedly to enable the respondents to obtain necessary instructions in that regard.

Having regard to the overall circumstances, especially the fact that the petitioner's children are studying in college in Delhi University and at least one would have to be financed for the purpose of separate residence, and also given that he is facing financial hardship on account of maintenance payouts which he has to comply with by virtue of the orders of the Court, the respondents are hereby directed to consider reasonably the petitioner's request and pass an order ensuring that he is located in Delhi to the extent possible in the same place i.e. 202 CEDU Unit, Delhi Cantt. for the rest of the tenure without the facility of

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CILQ. The petitioner's eligibility for HRA, however, in accordance with the rules shall not in any manner be adversely affected. The respondents shall accordingly ensure that consequential orders in this regard are issued within two weeks from today.

The writ petition is allowed in the above terms.

Dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

DECEMBER 22, 2015

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