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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 6334/2016 & CM Nos.25957/2016**
NORTH DELHI MUNICIPAL CORPORATION Petitioner

Through: Mr. Mini Pushkarna, Standing
Counsel North DMC with Ms.
Vasundhara Nayyar, Ms. Anushruti,
Ms. Namrata Mukim & Ms. Mohita
Yadav, Advs.

versus

ZUBEDA BEGUM & ANR Respondents

Through: (appearance not given)

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **23.09.2016**

1. We are not inclined to interfere with the impugned order dated 04.02.2015 whereby O.A. No.3364/2013 filed by Zubeda Begum/Respondent No.1 before us has been allowed.
2. Zubeda Begum is widow of Bachan Khan, who was working as a Mechanic in the Automobile Workshop of the erstwhile Municipal Corporation of Delhi, now represented by New Delhi Municipal Corporation (North Delhi). Bachan Khan was allotted quarter No.G-66/II, Dhaka Municipal Colony. He had retired on 31.03.1997 and subsequently expired on 18.07.2001.
3. Javed Khan son of Bachan Khan is an employee of Delhi Jal Board. He had started residing with his father and mother at quarter No.G-66/II, Dhaka Municipal Colony in 1995. Consequently, he had stopped drawing House Rent Allowances.

4. After retirement of Bachan Khan, Delhi Jal Board had requested for inter-pool exchange of government accommodation in the case of Javed Khan and some other officers with the Municipal Corporation of Delhi. There is some confusion as to whether the request was accepted, however, it is clear that Delhi Jal Board had accepted and treated Javed Khan as an authorized occupant of quarter No.G-66/II, Dhaka Municipal Colony on the basis of inter-pool exchange of government accommodation with the Municipal Corporation of Delhi. The Delhi Jal Board had issued the order dated 01.12.2000 which was also marked to different officers of the petitioner's corporation. It appears that the petitioner's corporation did not respond to the said letter and had impliedly accepted the same.

5. Subsequently, on 03.05.2006 Javed Khan and respondent No.1 herein, namely, Zubeda Begum were forcibly evicted from the quarter No.G-66/II, Dhaka Municipal Colony.

6. Javed Khan has been now allotted another accommodation by the Delhi Jal Board.

7. The grievance of Zubeda Begum, the respondent No.1 was that the petitioner herein had claimed Rs.3,91,952/- as outstanding on account of damages/market rent for the quarter from 01.08.1997 to 03.05.2006 and the said amount was being deducted from the family pension payable to Zebeda Begum. As a result, Zubeda Begum was paid only the principal amount of family pension and not the dearness allowances payable on the said amount. Aggrieved and compelled, Zubeda Begum filed the aforesaid O.A. We have narrated aforesaid facts to show the chequered history of all that transpired. It is

apparent that there was an issue between the petitioner and Delhi Jal Board. It is not disputed and denied that Javed Khan was entitled to government accommodation from the Delhi Jal Board. Javed Khan was not paid House Rent Allowances because he was treated as an occupant of government accommodation. The Delhi Jal Board had also issued letter dated 01.02.2000 which was addressed to different officers of the petitioner – Corporation. The petitioner – Corporation thereafter had not taken any steps to respond to the position and stand of the Delhi Jal Board by contradicting the same and clarify the situation with the Delhi Jal Board. To saddle and adjust the family pension payable to Zubeda Begum, who is dependent on the pension amount is unacceptable and cannot be justified.

8. In these circumstances, we do not find any ground or reason to interfere with the impugned order passed by the tribunal. The writ petition is dismissed.

SANJIV KHANNA, J

SUNITA GUPTA, J

SEPTEMBER 23, 2016/ssc