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

% ***Judgment Dated: 1st August, 2016***

+ W.P.(C) 8405/2014

NARESH KUMAR

..... Petitioner

Through : Mr. M.K. Bhardwaj with
Mr. Shriambhra Kashyap, Advocates

versus

GOVT. OF NCT OF DELHI & ORS

..... Respondents

Through : Mr. Santosh Kumar Tripathi, ASC for
respondents no.1, 2 and 3.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI
HON'BLE MR. JUSTICE I.S. MEHTA

G.S.SISTANI, J (ORAL)

1. The petitioner is aggrieved by the order dated 19.12.2013 passed by the Central Administrative Tribunal(hereinafter referred to for short as 'the Tribunal') by which the OA filed by the petitioner has been allowed in part.
2. Some necessary facts which are required to be noticed for disposal of this writ petition are that the petitioner, who was serving as an OT Assistant in Deen Dayal Upadhyay Hospital, Government of NCT of Delhi was allotted a government quarter No.B-4/19, Deen Dayal Upadhyay Hospital Residential Complex, Hari Nagar, New Delhi on 27.08.20007 as per his entitlement. It is claimed by the petitioner that on account of matrimonial dispute, a complaint was made by his wife that

the quarter had been sub-let. It is also claimed that even prior to the complaint having been made, he submitted a representation to the respondent apprehending that such a complaint would be filed by his wife. It is also the case of the petitioner that on 12.08.2008, the respondent cancelled the government accommodation without any opportunity of hearing being given to him. He was called upon on 29.09.2008 to submit the keys of the quarter or face disciplinary action. Two representations were submitted by the petitioner explaining that he never sub-let the quarter and the complaint had been made by his wife on account of matrimonial dispute between him and her. Aggrieved by the various orders passed by the respondent, the petitioner approached the Tribunal. The Tribunal allowed the OA in part and issued a direction to the respondent to reconsider the matter and either grant the petitioner a separate accommodation or HRA, as the case may be, from 06.03.2013 onwards.

3. The learned counsel for the petitioner submits that the petitioner is primarily aggrieved by the date 06.03.2013 so mentioned by the Tribunal in the order dated 19.12.2013. He submits that the petitioner would be satisfied if the order is modified to the extent that the date is deleted and it may be left open for the respondent to consider his case for either a separate government accommodation or HRA based on the facts of the present case and as per rules. The prayer made by the counsel for the petitioner is not opposed.
4. Accordingly, the order of the Tribunal is modified to the extent that the respondent will reconsider the matter and respondent shall either grant a separate government accommodation to the petitioner or HRA from such date, as may be applicable depending upon the facts of the case and based on rules. The petitioner will be granted a personal hearing in the

matter.

5. With these directions, the writ petition stands disposed of accordingly.

G.S.SISTANI, J

I.S. MEHTA, J

AUGUST 01, 2016

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