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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11393/2016**
UNION OF INDIA AND ORS. Petitioner
Through Mr. Amitava Poddar, Advocate.
versus
DEEPAK KUMAR Respondent
Through Nemo.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER
% **02.12.2016**

We have heard learned counsel appearing for the Union of India in this writ petition, which impugns the order dated 21st March, 2016 passed by the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) in OA No. 1706/2013 filed by Deepak Kumar, the respondent before us.

2. Respondent's father was also a railway employee and was allotted Quarter No. 165/1, Railway Colony, Thomson Road, Delhi. The respondent was staying with his father and was not drawing House Rent Allowance (HRA) from the date of joining on 13th August, 2007. The respondent's father had made an application dated 22nd October, 2009 requesting the authorities to grant permission to share the quarter with the respondent, which permission was granted vide order dated 24th February, 2010. Subsequently, the respondent had made an application requesting the authorities to regularise the allotment of the quarter in favour of the respondent as his father was to retire from service on 28th February, 2010.

3. The respondent did not receive any reply from the authorities despite writing a number of letters between 13th March, 2010 to 25th March, 2013.
4. The petitioner after about three years vide their letter dated 5th April, 2013 informed the respondent that the premises in question was checked by subletting team on 30th September, 2009 and the premises was found to be “partly” sublet and occupied by Anil son of Suraj.
5. The Tribunal in the impugned order has referred to the factual matrix and noticed that Anil son of Suraj has not signed the subletting form. The Tribunal has recorded that the accommodation allotted to the respondent’s father was a one room tenement. The charge of “partly” sublet, in the said situation was incongruous and perplexing. It is further stated that inspection was in 2009, but till 2013 no order of cancellation of allotment was passed. We are rather surprised that once there was a report regarding partial subletting, the petitioner authorities had kept quiet for four years. The Tribunal keeping in view several aspects, some of which have been recorded above, has taken a holistic and reasonable view.
6. We do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

**DECEMBER 02, 2016
VKR**