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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10158/2016**
SOBAN SINGH RAWAT

..... Petitioner

Through Mr. Shekhar Kumar, Advocate

versus

**THE ESTATE OFFICER, IHBAS (INSTITUTE OF HUMAN
BEHAVIOUR & ALLIED SCIENCES) & ORS**

..... Respondents

Through Mr. S. D. Singh and Mr. Meenu
Singh, Advocates for R-1
Ms. Prabhsahay Kaur, ASC for R-3

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **26.10.2016**

C.M. No.40196/2016 and C.M. No.40196/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Applications disposed of.

W.P.(C) 10158/2016 and C.M. No.40195/2016 (stay)

Petitioner is stated to be a staff nursing orderly in the hospital of respondent no.3. She was employed in the year 2006 and had been allotted a staff quarter by the respondent. Proceedings under Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 were conducted. The Estate Officer had passed order seeking her eviction on 03.8.2016. This was primarily premised on the contention of the Department that the petitioner was a contractual employee and was not entitled to a staff quarter. An appeal was filed

against this order which is now stated to be pending before the District Judge and is fixed for 24.11.2016. However, the interim application filed by the petitioner seeking interim relief had been disallowed on 07.10.2016. This is the grievance of the petitioner. His submission is that the appeal would become infructuous if interim relief is not granted in her favour.

On advance notice, learned counsel for respondent has put in appearance. They are opposing the prayer made by the petitioner. This Court notes the stand of the petitioner.

The order passed by a bench of this Court on 11.4.2015 in WP(C) 1558/2005 titled Shelter Masih and Ors. Vs. State of Delhi and Anr wherein a bunch of writ petitions were disposed of giving certain relief to the petitioners has also been perused. Contention of the petitioner is that the petitioner cannot be entitled and he is almost at par with a regular employee and is also entitled to house rent allowance (HRA) in view of the order issued by the Government of NCT of Delhi dated 19.11.2012.

Noting the submissions and counter submissions of the parties this writ petition is disposed of with a direction to the learned District Judge to dispose of the pending appeal expeditiously and preferably within an outer limit of three months from today. No coercive steps be taken against the petitioner till the disposal of the appeal.

Petition disposed of.

INDERMEET KAUR, J

OCTOBER 26, 2016

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