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

+ W.P.(C) 9681/2016

SUJATA SHISHPAL

..... Petitioner

Through Ms.Romy Chacko, Mr.Shubham
Singh, Mr.Atul Shanker Vinod and
Mr.Varun Mudgal, Advocates

versus

GOVT. OF NCT OF DELHI & ORS Respondents

Through Mr.Siddhartha Shankar Ray, Adv. for
R-1.
Mr.Jitender Singh and Ms.Meenu
Singh, Advocate for R-2 and R-3.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **21.10.2016**

C.M.No.38731/2016 (exemption)

Exemption is allowed subject to just exceptions. Application
disposed of.

W.P.(C) 9681/2016 & C.M.No.38732/2016

Petitioner is stated to be a staff nurse in the hospital i.e.
respondent no.3. He was employed in the year 2008 and he 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 21, 2016/ndn