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

+ **W.P.(C) 11464/2016**

RAM NIWAS DUBEY

..... Petitioner

Through : Mr Pratap Shanker, Mr Pushkar Karni
Sinha and Mr A.Shivani, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through : Mr Vinod Tiwari, Advocate for R-1.
Mr A.P.Mayee, Advocate for
R-2/State of Chhattisgarh.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

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08.12.2016

CM No.44949/2016(exemption)

Allowed, subject to all just exceptions.

W.P.(C) 11464/2016 & CM Nos.44950/2016(stay)

The petitioner has filed the present petition seeking quashing of order dated 23.11.2016 issued by respondent No.2 – Government of Chhattisgarh and further mandamus to allow the petitioner to retain the official accommodation as per the policy of respondent No.1 – Union of India.

It is contended that the petitioner was posted as Additional Director (Finance) in the Office of the Resident Commissioner, Government of Chhattisgarh, Chhattisgarh Bhawan, New Delhi, and was allotted accommodation bearing No.D-II/149, Kidwai Nagar (West), New Delhi-110023.

It is contended that the petitioner was posted to the Office of Principal Chief Conservator of Forests, Government of Chhattisgarh, Raipur, Chhattisgarh, with effect from 01.10.2016.

In terms of the official policy of respondent No.1, the petitioner was allowed retention of the said official accommodation for a concessional period of two months, which expired on 30.11.2016.

Representation has been made to the respondents to permit retention of the said official accommodation for a further period of six months on account of medical condition of the wife of the petitioner as well as the education of the two children of the petitioner.

It is contended that since the wife of the petitioner is not well, it would not be possible for her to immediately re-locate herself in Chhattisgarh and further since the children of the petitioner are studying in College and are in middle of their Semester End Examination, any disruption would hamper their studies.

Learned counsel appearing for the respondent has opposed the grant of the period of six months. It is contended that in terms of the policy, since the petitioner was allowed for a period of two months, the petitioner could have made arrangements before the expiry of the two months. The petitioner has to re-locate in Chhattisgarh, wherein transit accommodation has also been granted to the petitioner, in accordance with Rules.

It is contended that an Officer, in place of the petitioner, has already been posted in Delhi and on account of the non-vacation of the flat, the said officer has been provided transit accommodation.

The petitioner has placed on record the academic calendar and the examination schedule, which shows that the Semester End Examination of

the children of the petitioner are going on. The schedule shows that the last examination is on 23.12.2016. The medical record of the wife of the petitioner has also been placed on record which shows the medical condition, however, the medical condition is not of a very serious nature.

Keeping in view the fact that Semester End Examination of the children of the petitioner are underway and the wife of the petitioner is also having a medical condition, it is expedient that the petitioner is permitted to retain the said official accommodation till 15.01.2017 on payment of the charges in accordance with the policy of respondent No.1 dated 04.03.2004.

The petitioner shall file an undertaking that the petitioner shall vacate and hand over the peaceful vacant possession of the official accommodation on or before 15.01.2017 and shall not seek for any further extension of the same.

The necessary undertaking will be filed within a period of ten days.

On filing of the undertaking, the petitioner is permitted to retain the said official accommodation till 15.01.2017 on payment of the charges in accordance with the policy of respondent No.1 dated 04.03.2004.

The Writ Petition is accordingly disposed of in the above terms.

SANJEEV SACHDEVA, J

DECEMBER 08, 2016

‘Sd’