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

+ W.P.(C) 9043/2015 and CM APPL. 20455/2015

LT COL AMIT CHATTERJEE

..... Petitioner

Through: Mr. S.S. Pandey, Advocate with
Mr. H.S. Tiwari, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Ripu Daman Bhardwaj, CGSC with
Mr.T.P. Singh and Ms. Namisha Gupta, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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16.05.2016

1. Pursuant to the order dated 31.03.2016, the respondents had offered an accommodation to the petitioner at Vasant Kunj. We are informed that the petitioner was not in a position to shift to the said accommodation right away for the reason that his daughter was sitting for her class 12th examinations whereafter she is participating in several entrance examinations for further studies that are scheduled in the month of June, 2016.

2. Counsel for the respondents states on instructions that in view of the petitioner's inability to shift right away, the accommodation in question offered to him had to be circulated to the others.

3. By a separate order passed in W.P.(C) 10192/2015 today, it has been directed that in the event the said premises is not allotted at the end of the day to any other officer, the same shall be offered to Lt. Col.. A.R. Harish,

the petitioner No.1 in the captioned petition.

4. Counsel for the respondents states on instructions that as and when further accommodations are identified and offered to the officers, the petitioner shall be at liberty to apply for allotment, which shall then be considered as per the applicable rules.

5. In view of the fact that the petitioner was offered an accommodation by the respondents on 31.03.2016, which he had conditionally accepted, which was turned down by the respondents and further having regard to the fact that counsel for the petitioner has stated that the petitioner shall exercise his option, as and when a fresh offer is made to him, he shall not be levied any market rent in respect of the premises being occupied by him presently till today, i.e., 16.5.2016. In the event the respondents elect to levy market rent after 16.05.2016 in respect of the premises presently occupied by the petitioner, he shall be entitled to approach the respondents by filing a representation which shall be considered and decided in accordance with law.

5. The present petition is disposed of, along with pending application. No orders as to costs.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 16, 2016
rkb/mk