

\$~14. * **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10192/2015

LT. COL AR HARISH & ANR

..... Petitioners

Through: Mr. Ajeet Pandey, Advocate with
petitioners in person.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Ms. Barkha Babbar, Advocate with
Ms. Dipanjali Tyagi, Advocate and Mr. Vihag
Snehal, SAO/QTR.

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, learned counsel for the petitioners states that the petitioner No.2 has accepted the alternate allotment offered by the respondents and has shifted to the allotted house situated at Sector 37, NOIDA.
2. As for the petitioner No.1, learned counsel for the respondents states that though the petitioner No.1 had accepted the offer of accommodation identified by the respondents at Vasant Kunj but subsequently, he had written a letter to the respondents stating *inter alia* that he would be in a position to shift only in the first week of June, 2016, which was rejected as based on the earlier consent given by the petitioner No.1, the respondents had already paid the rent of Rs.11,000/- to the landlord for the month of May, 2016.
3. Counsel for the respondents states on instructions that after cancelling the allotment of the premises at Vasant Kunj made in favour of the petitioner No.1 on 29.04.2016, the same was circulated once again to other officers

and today is the date of allotment.

4. Counsel for the petitioners states on instructions from the petitioner No.1 that his examinations for the LLB course, final year at the Choudhary Charan Singh University were to be held in April, 2016 but a fresh schedule has been circulated, whereunder the examinations are to be conducted on 4th and 6th June, 2016 and in view of the changed circumstances, the petitioner No.1 had to express his inability to shift to the allotted accommodation in the month of May, 2016. He states that the petitioner No.1 is still ready and willing to shift to the same accommodation immediately after the examinations get over and he shall hand over the vacant physical possession of the premises under his occupation on or before 12.06.2016.

5. In view of the changed circumstances whereunder the respondents have re-circulated the accommodation offered earlier to the petitioner, for acceptance by other officers and having regard to the fact that the date of allotment is today, it is directed that in the event the said premises is still available for allotment at the end of the day, the same shall be allotted to the petitioner on the condition that he will bear the rent paid by the Department for the said accommodation for the month of May, 2016. However, the respondents shall not levy any market rent in respect of the premises currently under the occupation of the petitioner No.1, till 12.06.2016.

6. The present petition is disposed of. No orders as to costs.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 16, 2016/rkb/mk