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

+ **W.P.(C) 2685/2017**

D. SESHGIRI RAO Petitioner

Through: Mr.V.K. Sharma, Advocate.

versus

UNION OF INDIA & ORS Respondents

Through: Mr.B.S. Shukla, CGSC with Mr.Suraj
Kumar & Mr.Kamaldeep , Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **03.11.2017**

1. The present petition has been filed by the petitioner CISF Officer, praying *inter alia* for several reliefs in the prayer clauses that are very ambiguous and making no sense.
2. Having gone through the prayers, what emerges is that the petitioner is aggrieved by an order dated 18.06.2016, issued by the respondent/CISF, rejecting his request for retention of Government quarter allotted to him at CISF Unit, SJM, Hyderabad and declaring him as an unauthorised occupant w.e.f. 01.07.2016. The other grievance of the petitioner is in respect of demand letters dated 18.10.2016 and 17.11.2016 raised by the respondent/CISF calling upon him to pay penal rent for unauthorisedly occupying the

family quarter w.e.f. 01.07.2016 totalling to a sum of Rs.24,000/-, till 30.09.2016 and Rs.36,000/-, till 31.10.2016.

3. On the last date of hearing, it was directed that in case the petitioner vacates the subject premises within ten days, it will be open to the competent authority to re-examine the issue of penal rent.

4. Today Mr.Shukla, learned counsel for the respondents, states on instructions that the petitioner has vacated the subject premises and therefore, the respondents have decided to waive the past penal rent of the petitioner. He, however, states that the respondents have not passed an order with regard to refund of the amounts already recovered from the petitioner towards penal rent which is to the tune of Rs.28,000/-.

5. OM dated 11.08.2016 issued by DOP&T had clarified the package of concession to Central Government employees working in Kashmir Valley. The said OM had identified 10 districts in Kashmir Valley which does not include Kishtwar, where the petitioner was posted. We may, however, note that a Circular dated 13.10.2016, does vest a discretion in the competent authority to permit the petitioner to occupy the quarters at Hyderabad for genuine grounds.

6. We are of the opinion that given the facts of the present case and also the fact that the petitioner after vacating the subject premises has not applied for accommodation at Jaipur and the reason thereof is that his two minor school going children propose to pursue their studies in Hyderabad itself for which purpose, the petitioner has taken on rent a private accommodation, the penal rent imposed on him w.e.f. 01.07.2016 is waived.

As a result, the amounts already deducted from the petitioner's salary as recoveries of penal rent shall be remitted to him within six weeks from today.

7. The petition is disposed of in the above terms with no order as to costs.

HIMA KOHLI, J

REKHA PALLI, J

NOVEMBER 03, 2017
gm