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

+ W.P.(C) 8070/2016

DR. NATHU LAL

..... Petitioner

Through: Mr. Kamran Malik and Ms. Anita  
Singh, Advocates

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Jaswinder Singh, Advocate for R-  
1 to R-3

**CORAM:**

**HON'BLE MR. JUSTICE J.R. MIDHA**

**ORDER**

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**29.11.2017**

1. The petitioner has challenged the order dated 12<sup>th</sup> October, 2015 whereby his appeal bearing PPA No. 19/2014 against the eviction order passed by the Estate Officer was dismissed and the order dated 20<sup>th</sup> February, 2016 whereby his review application against the order dated 12<sup>th</sup> October, 2015 was dismissed.
2. Learned counsel for respondent Nos. 1 to 3 submits that the respondents took over the possession of the Quarter No. 119, Type IV Laxmibai Nagar, New Delhi from the petitioner after the dismissal of the appeal on 12<sup>th</sup> October, 2015 and therefore, this appeal has become infructuous.
3. Learned counsel for the petitioner admits having been evicted from the subject premises on 1<sup>st</sup> December, 2015. Learned counsel for the

petitioner however submits that his application for review was pending but there was no stay in favour of the petitioner.

4. Learned counsel for respondent Nos.1 to 3 submits that the petitioner retired from the service on 30<sup>th</sup> November, 2012 and he continued to unauthorisedly occupy the subject premises for more than 3 years.

5. Learned counsel for the petitioner submits that the petitioner was entitled to continue the occupation as his dues were not paid. It is submitted that the respondent have still not paid the dues to the petitioner.

6. Learned counsel for respondent Nos. 1 to3 submits that the petitioner approached the Central Administrative Tribunal for payment of his dues and this petition does not relate to the petitioner's grievance with respect to the dues.

7. Learned counsel for the petitioner has handed over the copy of the order dated 31<sup>st</sup> March, 2014 whereby the Central Administrative Tribunal disposed of the petition with liberty to the petitioner to make a detailed representation with respect to the non-payment of his terminal benefits and release such terminal benefits payable to him as per rules and not already paid within four weeks thereafter.

8. Learned counsel for respondent Nos. 1 to 3 submits that the terminal benefits have been paid to the petitioner as per the details of the payment given in para 7 of the preliminary objections of the counter affidavit.

9. Learned counsel for the petitioner submits that the retiral benefits namely pension and gratuity have not yet been paid to the petitioner. The petitioner is at liberty to avail appropriate legal remedies available to him accordance with law.

10. Learned counsel for the petitioner further submits that the petitioner

has been dispossessed without the process of law. There is no merit in this contention as the petitioner's appeal was dismissed on 12<sup>th</sup> October, 2015 and respondents executed the eviction order thereafter. Though the petitioner's review application was pending but there was no stay against dispossession and therefore, dispossession cannot be said to be illegal.

11. The writ petition has become infructuous and is disposed of. The petitioner is at liberty to avail the appropriate legal remedies for dues in accordance with law.

**J.R. MIDHA, J.**

**NOVEMBER 29, 2017**  
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