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

+ **W.P.(C) 3952/2017**

COL MANJIT SINGH Petitioner
Through **Mr. H.S. Tiwari, Advocate.**

versus

UNION OF INDIA & ORS. Respondent
Through **Mr. Ruchir Mishra and Mr. M.K. Tiwari, Advocates.**

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **11.05.2017**

1. We are not inclined to grant further time to the petitioner, who has relied upon instructions for retention of MOD Pool regular accommodation placed at pages 79-80. As per the said instructions, the officers are required to shift to the alternate hired/rent-reimbursement accommodation on expiry of period of six months from the date of Struck Off Strength (SOS). This office order/instructions states that in case of retention beyond six months due to non-availability of Separated Family Accommodation (SFA), the officer must contact the Quartering Officer either personally or thorough a duly authorized representative, for taking over alternate hired/rent-reimbursement accommodation. The petitioner has stayed beyond six months from the date of SOS. This being the position, we do not think that the petitioner would be entitled to benefit of this

notification. In fact, the stand of the respondents is that this notification would not assist and help the petitioner.

2. At this stage, counsel for the petitioner submits that he is likely to get alternate accommodation, for which he had made an application, within 15 days. Counsel for the respondents dispute the said factual position and submit that petitioner is at Sr. No.41 in the waiting list, and, it is uncertain and unknown, whether any alternate accommodation would be available. Counsel for the petitioner states that he would take his chance.

3. In view of the statement made by the counsel for the petitioner, we permit the petitioner to vacate the present accommodation by 31st May, 2017. We clarify that this order would not be construed as an order which would entitle the petitioner to get out of turn alternate accommodation. However, in case, alternate accommodation is to be allotted to the petitioner on his turn, the fact, the petitioner is to vacate the accommodation in his occupation by 31st May, 2017 would be taken into consideration by the authorities. The writ petition is accordingly disposed of.

SANJIV KHANNA, J.

ANIL KUMAR CHAWLA, J.

MAY 11, 2017
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