

\$~36

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

+ W.P.(C) 10420/2017

DATA RAM

Through Mr. Piyush Rayal and Ms. Smriti
Vasisht, Advs. Petitioner

versus

UNION OF INDIA AND ORS.

Through Mr. Vikram Jetly, CGSC with Mr.
Umesh Kumar Nishant, ASO, DOE
with records for UOI. Respondent

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **24.11.2017**

CM No. 42600/2017

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P. (C) 10420/2017 & CM No. 42599/2017

3. Issue Notice.
4. Learned counsel for the respondents accepts notice.
5. The petitioner has filed the present petition, *inter alia*, impugning the order dated 31.03.2016 (hereafter 'the impugned order') passed by the Assistant Director of Estates (E), Government of India, directing the petitioner to handover the possession of the accommodation allotted to him being H-61, Nanakpura, New Delhi (hereafter 'the property') to CPWD. The

said accommodation was allotted to him by virtue of him being employed with the respondents. The impugned order was passed as it was found that the petitioner had sublet the premises allotted to him. Admittedly, the said order is appealable and the petitioner was also advised that in the event he wishes to prefer an appeal, he may do so through proper channel, to the Director of Estates (II) within a period of 30 days.

6. The petitioner being aggrieved by the impugned order preferred an appeal on 25th April, 2016, to the Director of Estates. However, the said appeal has not been considered as it was not forwarded through “proper channels”. The learned counsel appearing for the respondents states that the petitioner was required to forward the same to respondent no.4, who would then forward it to the Director of Estates (II).

7. The petitioner being aggrieved by non-consideration of his appeal filed a Public Grievance Petition, which was also disposed of on 13.07.2016 wherein, it was held that the petitioner could not provide any documentary proof of relationship with the person found at the property in question during inspection.

8. Learned counsel for the petitioner also states that after receipt of the said orders, the petitioner preferred an appeal through proper channels. However, the same has not been forwarded to the concerned authority. The learned counsel appearing for the respondent confirms the same and states that the petitioner’s appeal is available on record of the respondents.

9. In view of the above, this Court considers it apposite that the present petition be disposed of by directing the Director of Estates to consider the

petitioner's appeal in accordance with law, un-influenced by the question of delay in preferring the said appeal. It is so directed.

10. Since the petitioner has already handed over the possession of the property of his accommodation to the respondents, no further order in this regard is required to be passed.

11. In so far as the petitioner's claim regarding charging of penal rent and recovery of dues from his salary is concerned, it is directed that no such recovery be made till the disposal of the petitioner's appeal by Director of Estates. Recovery of penal/market rent, if any, would also be subject to the outcome of the petitioner's appeal.

12. The petition and the pending application are disposed of with the aforesaid directions.

13. *Dasti.*

VIBHU BAKHRU, J

NOVEMBER 24, 2017

av