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

+ **W.P.(C) 153/2018**

PARUL SHARMA

..... Petitioner

Through : Mr Abhimanyu Sharma, Adv. with
Mr Atul Kumar, Adv.

versus

**DELHI STATE INDUSTRIAL AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LIMITED**

..... Respondent

Through : Ms Renuka Arora, Advocate with
Ms Nitika Salwan, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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08.01.2018

CM No. 638/2018

1. Allowed subject to just exceptions.
2. The application stands disposed of.

W.P.(C) 153/2018

3. The petitioner has filed the present petition impugning the letter dated 22.08.2017 (hereafter 'the impugned communication'), whereby the petitioner's representation for allotment of a residential flat under Rajiv Gandhi Housing Scheme (hereafter 'the scheme') was rejected.

4. The petitioner had applied for a flat under the aforesaid scheme on 30.03.2007 along with earnest money of ₹32,000/-. The petitioner claims

that he was eligible for applying for the allotment of a residential flat as per the eligibility criteria specified under the said scheme as he is a *bona fide* industrial worker.

5. The petitioner's application was rejected and the same was communicated to him on 16.12.2015. The only reason given in the letter of rejection was "vacant plot not available".

6. Aggrieved by the same, the petitioner had preferred a writ petition - being W.P.(C) 5980/2017 - which was disposed of by this Court by directing DSIIDC to consider the petitioner's representation/appeal and pass a speaking order.

7. It is stated that in pursuance of the order passed by this Court, DSIIDC had sent a team of two officers to the premises/factory of M/s R.K. Engineering Works to ascertain whether the petitioner was a *bona fide* worker of the said industrial unit as claimed by him.

8. It appears that the proprietor of M/s R.K. Engineering Works (one Mr Manoj Sharma) has informed the said team that the petitioner was not a regular worker and was rendering service only on contractual basis. Mr Manoj Sharma has also informed the team that no attendance or salary records are being maintained.

9. In the present petition, the petitioner has filed the relevant attendance records as well as a certificate dated 11.01.2016 from Mr Manoj Sharma certifying that the petitioner was operating as a machine operator in the mechanical department of the factory (M/s R.K. Engineering Works) since

January, 2013 and was drawing a salary of ₹14,219/- per month. The photocopy of the attendance register filed by the petitioner indicates that the attendance register bears the stamp of M/s R.K. Engineering Works and also signatures thereon. The copy of the attendance register indicates that the petitioner was on regular rolls of M/s R.K. Engineering Works at least from December, 2015 to July, 2017.

10. In view of the above controversy, it would be apposite for Mr Manoj Sharma to provide the necessary explanation. Accordingly, Mr Manoj Sharma is directed to furnish an affidavit confirming or denying the records, photocopies of which are produced in this petition, to DSIIDC within a period of four weeks from today. Mr Sharma shall specifically confirm whether the certificate dated 11.01.2016 bears his signatures. DSIIDC is directed to depute two officers to visit the premises of M/s R.K. Engineering Works. They would also be authorized to examine all records available at the premises and if necessary, seek police assistance for the said purpose.

11. It is apparent that the mere statement of Mr Manoj Sharma to the Field Verification Team may not be determinative, in the facts and circumstances of this case. Thus, the concerned officers shall independently satisfy themselves as to the eligibility of the petitioner and take a decision in this regard.

12. The present petition is disposed of with the aforesaid directions.

13. A copy of this order would be served by the petitioner to Mr Manoj Sharma. Needless to say, if the petitioner's claim that he is a bona fide worker is established, DSIIDC shall recall the impugned order and take

necessary steps for allotment of the flat in favour of the petitioner subject to the petitioner fulfilling the requisite formalities.

14. Order *dasti*.

JANUARY 08, 2018
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VIBHU BAKHRU, J