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

+ W.P.(C) 1448/2019

SURENDER AHLAWAT Appellant

Through: petitioner in person.

versus

MINISTRY OF SOCIAL JUSTICE AND ORS. Respondents

Through: Ripu Daman Bhardwaj, CGSC with
Mr. T.P. Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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12.02.2019

C.M. No. 6635/2019

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

W.P.(C) 1448/2019 & C.M. Nos. 6634,6636/2019

1. The petitioner has preferred the present writ petition to assail the order dated 06.02.2019 passed by the Central Administrative Tribunal, Principal Bench, New Delhi, (the Tribunal) in M.A. No. 510/2019 in O.A. No. 3807/2019. The Tribunal has rejected the petitioner's Miscellaneous Application wherein he had sought a restraint against the respondent from disturbing his possession of the quarter allotted to his late father. The petitioner's father passed away in harness on 19.12.2013. The petitioner

applied for compassionate appointment. He has not been granted compassionate appointment and that aspect, the petitioner has raised in other proceedings.

2. Since the petitioner and his family members were not entitled to occupy the Government accommodation allotted to the late father, proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 were undertaken and an eviction order stands passed.

3. The petitioner also preferred an appeal before the Learned District and Sessions Judge, Patiala House, New Delhi, which has also been dismissed on 19.09.2017. Thereafter he preferred the aforesaid Original Application. The Tribunal has rejected the Miscellaneous Application – to seek status quo with regard to the Government quarter and its occupation.

4. Having heard the petitioner, we are not inclined to interfere with the impugned order. The petitioner's father died as early as on 19.12.2013. For over 5 years thereafter, he and his family has been occupying the Government accommodation.

5. Merely on the premise that the petitioner might, some day, succeed in getting Compassionate Appointment, the petitioner cannot continue to occupy the Government accommodation.

6. The petitioner, at this stage, stated that he would give an undertaking to the Court that he shall vacate the premises on his own within 15 days and handover the possession to the respondent. We may have acceded to this request but it is pointed out by learned counsel for the respondent, who appears on advance notice, that even earlier, the petitioner had given a same undertaking, which he had not honoured.

7. In these circumstances, we are not inclined to entertain to any such

request.

8. Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

FEBRUARY 12, 2019
N.Khanna