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

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Judgment delivered on: 10.12.2019

+ W.P.(C) 9652/2019

MS. SARITA PANWAR

..... Petitioner

versus

UNION OF INDIA AND ANR

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Gurbaksh Singh with Mr. Jarnail Singh,
Advocates.

For the Respondent: Mrs. Suparna Srivastava with Ms. Sanjna Dua and
Mr. Tushar Mathur, Advocates for respondent
Nos.1 to 4.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks retention of government accommodation for a period of two years with effect from 05.09.2019 or till the time she is provided a suitable government service by Military of Defence, on the same licence fee.

2. Petitioner's husband was working as a senior Secretary Assistant D, Establishment in the Department of Ministry of Defence. He expired on 05.09.2017. Petitioner was permitted to occupy the

accommodation initially for a period of one year which was then extended by another period of one year till 04.09.2019 on the same licence fee.

3. Learned counsel for the petitioner submits that the petitioner is also entitled to compassionate appointment and has accordingly applied for being considered for compassionate appointment. However, the application is still pending consideration.

4. Learned counsel for the respondent submits that application for compassionate appointment can only be considered in terms of the Rules as per her seniority and eligibility and it may take some time before the application can finally be disposed of.

5. Learned counsel for the respondent further submits that the appointment is also subject to availability of the suitable position and no assurance can be granted that the application would be favourably decided.

6. Learned counsel for the respondent further submits that in terms of the policy, no further extension could have been granted to the petitioner and in case petitioner continues to occupy the premises, petitioner would be liable to pay use and occupation charges at the rate of damages, which is four times the licence fee with a telescopic increment every month.

7. Learned counsel for the petitioner, under instructions from the

petitioner, submits that in case the petitioner is granted time till 04.01.2020 on the same licence fee, petitioner undertakes to vacate and handover the physical vacant possession of the subject quarter No.0997, Sector 12, R.K. Puram on or before 04.01.2020.

8. Keeping in view the peculiar facts and circumstances of the case and also the fact that the petitioner could not make the application for compassionate appointment earlier, for the reasons as stated in the petition and as also noticed in the earlier orders, on petitioner filing an affidavit of undertaking within one week that she shall vacate and handover the peaceful vacant possession of the above referred quarter on or before 04.01.2020, petitioner shall be liable to pay the use and occupation charges at the rate of licence fee which was stipulated till 04.09.2019, in case she vacates and hands over the quarter on or before 04.01.2020.

9. It is further clarified that since the order has been passed in the peculiar facts and circumstances of the case, the same shall not be treated as precedent.

10. Petition is, accordingly, disposed of in the above terms.

11. Order *Dasti* under the signatures of the Court Master.

SANJEEV SACHDEVA, J

DECEMBER 10, 2019/st