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

+ W.P.(C) 2404/2020 and CM No. 8398/2020 (stay)

SAURABH KUMAR Petitioner

Through: Mr.P.S. Khare, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr.J.K.Singh, Standing counsel for
Railways with Mr.Saurabh Sharma
and Mr.Amit Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

% **12.03.2020**

1. The petitioner, employed with the Railway Protection Force, was on 22nd April, 2013 allotted a quarter while posted at Delhi.
2. The petitioner, on 17th June, 2015 was transferred to Jaipur and though was required to vacate the said quarter allotted to him while posted at Delhi, was on request allowed to retain the same till 31st December, 2015. The counsel for the petitioner states that permission to retain the quarter at normal rent, was extended till 31st December, 2016.
3. The petitioner, even after 31st December, 2016 did not vacate the quarter and continued to illegally occupy the same.
4. The petitioner, now on 06th March, 2018 has been transferred back to Delhi and continues to illegally hold the quarter.

5. This petition has been filed impugning the order dated 16th January, 2020 of recovery of penal / damage rent and seeking *mandamus* for waiver thereof and for regularization of the quarter in the name of the petitioner.
6. The counsel for the petitioner has however not pressed the petition and states that the petitioner will within one month of today vacate the quarter and deliver vacant, peaceful and physical possession thereof to the concerned authorities of the respondents. He states that he is only seeking a direction for sympathetic consideration of the representation of petitioner for waiver / reduction of penal / damage rent sought to be recovered from the salary of the petitioner.
7. Subject to the petitioner on or before 13th April, 2020 vacating the quarter bearing No. 202/7 (Type-I Spl) at 6BN premises and delivering vacant, peaceful and physical possession thereof to the concerned authorities of the respondents, the concerned authorities, on a representation being made by the petitioner, shall consider the request of the petitioner for waiver / reduction of the penal / damage rent as per rules.
8. However, if the petitioner does not vacate the quarter and fails to deliver the possession on or before 13th April, 2020, the respondents shall be entitled, after 13th April, 2020, to forcefully take possession of the quarter from the petitioner and also effect recovery of penal / damage rent already computed, from the emoluments of the petitioner.
9. It is made clear that no further challenge to the decision on the representation of the petitioner for waiver / reduction shall lie.

10. The Writ Petition along with pending application stands disposed of.

RAJIV SAHAI ENDLAW, J

SANGITA DHINGRA SEHGAL, J

MARCH 12, 2020
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