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

% Date of Decision: 28th September, 2020

+ W.P.(C) 4019/2020

CHENNAI FINANCIAL MARKETS AND
ACCOUNTABILITY THROUGH
ITS PRESIDENT MANOJ K SHETH

..... Petitioner

Through: Mr.Peeyoosh Kalra, Advocate

versus

SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOUSING AND
URBAN AFFAIRS & ANR.

..... Respondents

Through: Mr.Chetan Sharma, ASG Mr.Ajay
Digpaul, CGSC with Mr.Kamal R Digpaul,
Advocate for UOI.

Mr.Sanjoy Ghose, ASC with Mr.Naman Jain,
Advocate for GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

The proceedings in the matter have been conducted through video conferencing.

1. This writ petition has been preferred with the following prayers:

“(i) *Issue a writ of mandamus to Respondent No. 1 to review all grants of concessional retention as of today and ensure that all such grants are strictly for bonafide purpose, and*

(ii) *Issue a writ of mandamus to Respondent No. 1 to cancel grants of concessional retention and evict out of service*

government servants including Respondent No.2 who all own a house in the vicinity of the allocated accommodation; and

- (iii) Issue a writ of mandamus to Respondent No.1 to evict all out of service government servants including Respondent No. 2 retaining government accommodation beyond permissible limits as prescribed under the 2017 Rules.*
- (iv) Issue direction/order/appropriate writ in nature of guidelines ensuring objective criteria for grant of concessional retention under 2017 Rules.*
- (v) Direct Respondent No. 1 to recover damages from all the defaulting occupants at market rate; and*
- (vi) Direct the Respondent No.1 to conduct an internal enquiry as to how the out of service government servants including 2nd Respondent were permitted to continue to stay in government accommodation after retirement beyond the permissible period, and*
- (vii) Cost of the present petition be also allowed in favour of the petitioner against the respondents, and/or*
- viii) Pass such further and other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. Having heard learned counsel for both the sides and looking into the facts and circumstances of the case, it appears that the premises which was being occupied by original respondent no. 2 has already been vacated by the concerned officer. The legally payable amount of Rs.4,25,500/- as dues has also been paid by him.

3. The petitioner has raised a grievance that retired officers are being permitted to retain government accommodation at concessional rates although they are not entitled to do so under the Rules, and/or for periods beyond the permissible limit under the Rules. Suffice it to state that we expect that henceforth, if any government servant has retired, he/she should

not be allowed to occupy the Government accommodation against the relevant Rules, or for a longer period than permitted thereunder. We also expect from the respondents that the legally payable amounts in such cases should be recovered at the earliest.

4. With these observations, we see no reason to further monitor this case.

5. The amount of Rs.35,000/-, which has been deposited by the petitioner in terms of our order dated 08th July, 2020, shall be refunded to the petitioner through an account payee cheque by the Registrar General, Delhi High Court after verifying the identification of the petitioner.

6. The writ petition is disposed of.

CHIEF JUSTICE

PRATEEK JALAN, J

SEPTEMBER 28, 2020

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