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

+ W.P. (C) 4393/2020 & CM No. 15808/2020

MR. DEEPAK KUMAR SAHOO

..... Petitioner

Through Mr. Natwar Rai, Advocate.

versus

UNION OF INDIA & ANR.

..... Respondents

Through Ms. Shubhra Parashar & Mr. V.P.S.
Charak, Advocates for R-1 & R-2
with Mr. Naveen Yadav, Director of
Estates, Ministry of Housing and
Urban Affairs.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

21.07.2020

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Hearing has been conducted through Video Conferencing.

Petitioner herein is working as Junior Engineer with the Central Public Works Department (CPWD) and is presently posted in Ram Manohar Lohia Hospital Division of CPWD. Petitioner was appointed on 11.04.2012 and was allotted Flat No.1, Type-3, CPWD Enquiry Office, Sarojini Nagar, New Delhi, by the Department on 22.08.2013, as per his entitlement. Petitioner is aggrieved by the notice issued to him to vacate the present accommodation on account of re-development planning of Sarojini Nagar.

It is the case of the Petitioner that on account of the re-development of GPRA colonies, the Govt. Quarters at Sarojini Nagar have to be handed over

by Respondents to NBCC for demolition and re-development and the Govt. employees have to be evicted. Accordingly, notices were issued to the Petitioner and others on 14.02.2020 and 20.02.2020 for vacating the Quarters. Petitioner wrote to Respondent No.2 to allot alternate accommodation to enable him to shift, which they are bound to provide.

Learned counsel for Petitioner submits that some officers have been transferred outside Delhi and those entitled to Type I accommodation have been so provided and only the Petitioner and another JE entitled to Type-3 have been left out. He submits that on 29.06.2020, Respondent No.2 has written to Respondent No.1 to provide alternate accommodation, but on 06.07.2020 request has been rejected on the ground that in the specific pool no quarter can be given.

It is argued that during the re-development of Netaji Nagar, all officers occupying the Govt. Quarters were given alternate accommodation. It is further submitted that in the present situation of Pandemic COVID-19, it would be difficult for him to find an alternate private accommodation and in the process of searching the houses on rent, Petitioner has a risk of exposing himself to infection, which is avoidable, more so, when his old and ailing father is residing with him. Besides, Petitioner is working in an office which is within the premises of Ram Manohar Lohia Hospital, a COVID-19 dedicated hospital and no landlord would probably be willing to give any accommodation on rent.

Learned Counsel submits that Petitioner has made representations for allotment of an alternate quarter and recommendation letters have also been sent by CPWD to the Ministry, which are placed on record, being Annexure Nos. P-6 and P-8 dated 29.06.2020 and 07.08.2020, respectively. He

therefore, submits that Petitioner may be shifted to an alternate Type-3 accommodation near the Hospital so that he can continue attending the Essential Maintenance Services therein. Learned counsel submits that Petitioner has already given an undertaking that the moment he is able to find an alternate accommodation, he would vacate the quarter allotted to him by Respondent No.1.

Ms. Parashar, Learned Counsel appearing on behalf of the Respondents submits, on instructions from Mr. Naveen Yadav, Director of Estates, Ministry of Housing and Urban Development, who is also present in Court, that a decision has been taken at the level of the Director, whereby Petitioner herein will be allotted a Type-2 Accommodation, till petitioner finds an alternate accommodation. This is however subject to an undertaking by the Petitioner that as soon as the Type-2 quarter is allotted, he would vacate the present house and on availability of an alternate accommodation, the Type-2 quarter would be vacated within 10 days. He submits that although Petitioner is not entitled to the said allotment, but this decision has been taken on account of unprecedented situation of COVID-19.

Learned counsel for Petitioner, on instructions from the Petitioner, undertakes that within 10 days of the allotment of Type-2 Accommodation, Petitioner will vacate the present premises and as soon as an alternate accommodation becomes available, the Type-2 Quarter offered by Directorate of Estates, to tide over the situation, will be vacated in 15 days. Earnest efforts will be made to find the alternate accommodation.

I have heard the learned counsel for the parties.

In my view, the offer made by Mr. Naveen Yadav, Director Estates, is very fair in the given circumstances.

Accordingly, as offered, Respondent No.1 shall allot an alternate Type-2 accommodation to the Petitioner within a period of one week from today. The maintenance work, if any, will be carried out by CPWD, within a period of one week thereafter. Petitioner will vacate the present premises within 15 days from today. Petitioner will make sincere efforts to find an alternate accommodation and as soon as the same is available, the Type-2 accommodation offered in Court today, shall be vacated.

Petitioner will file an affidavit of undertaking to this effect in Court, within a period of two days from today.

In view of the above, no further orders are required to be passed and the present Petition along with the application is disposed of in the above terms.

Type-2 Accommodation being allotted to the Petitioner by Respondent No.1 in the present case is in light of the peculiar and unprecedented circumstances arisen on account of the Pandemic and will not be treated as a precedent for any other case.

JULY 21, 2020/yo

JYOTI SINGH, J