

\$~A-14

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

%

Date of decision: 26.08.2020

+ W.P. (C) 5659/2020

SANJAY KUMAR GAUTAM

..... Petitioner

Through Mr. Rahul Jain, Mr. Naveen R.
Nath and Mr. Abhimanyu Verma,
Advocates.

versus

DELHI TRANSCO LIMITED

..... Respondent

Through Mr. Rameez Raja, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JYOTI SINGH, J. (ORAL)

CM No. 20488/2020 (Exemption)

Allowed, subject to all just exceptions.

Application is disposed of.

W.P. (C) 5659/2020 & CM No. 20487/2020

1. Petitioner joined the Delhi Electric Supply Undertaking (DESU) in the post of Security Guard on 12.08.1993 and was subsequently promoted to the post of Instrument Repairer on 17.01.1995. DESU was reorganized as DVB (Delhi Vidyut Board) on 24.02.1997 and on 28.10.2000, Tripartite Agreement was signed between the Government of NCT of Delhi, DVB and Joint Action Committee of Workers, Supervisors, Engineers and Officers of DVB.

2. On 01.07.2002 DVB was reorganized and divided into six successor companies and Petitioner was assigned to BSES Rajdhani Power Limited (BRPL).

3. On 06.09.2006 Petitioner applied for Type-II accommodation with DTL-New Kilokari Colony and received confirmation of allotment. On 17.09.2008 he was promoted as Instrument Repairer and Tester with BRPL.

4. On 21.08.2009 DTL issued a new Policy for allotment of Company accommodation to DTL employees and on 08.07.2010 issued an Office Order laying down the Grade Pay in the respective Pay Bands, which would determine the type of residential accommodation.

5. On being promoted as Foreman Grade-II with BRPL, on 11.02.2015, the Petitioner came into a salary bracket which made him eligible for Type-III accommodation. On 04.10.2016, he made an application for Type-III accommodation but the same was rejected on the ground that the accommodation was not available to him as per Clause 19.2 of the Policy. Petitioner, however, did not make any grievance and accepted the rejection.

6. On being promoted as Assistant Manager on 03.03.2020, the Petitioner applied for Type-IV accommodation to which the Petitioner became eligible, according to him, having come in the eligible salary bracket. On 27.05.2020 the Petitioner made an application for the Type-IV accommodation but no action has been taken by the Respondents.

7. Learned counsel for the Petitioner submits that after being promoted as Foreman Grade-II in 2015, Petitioner being entitled had

applied for Type-III accommodation in 2016. His application was illegally rejected, but the Petitioner did not make any grievance. However, the Petitioner has had to approach the Court by way of this writ petition as he apprehends that his application now made is likely to suffer the same fate.

8. It is contended that Petitioner has been promoted to the post of Assistant Manager on 03.03.2020 with BSES Rajdhani Power Limited. His salary is now in the bracket of 5,400-7,000 making him eligible for Type-IV accommodation and while he has made an application for allotment on 27.05.2020, it is pending for the past three months.

9. Learned counsel submits that the Petitioner fears that the present accommodation may not be allotted to him and he may again be discriminated as in the past. Basis of the apprehension of the Petitioner is that after he was allowed inspection of the file relating to the accommodation of Type-IV flats, he found that seven more applications from DTL employees, who are in the lower Grade Pay, have been received and there is every likelihood that the Petitioner will be declared ineligible by citing Clauses 12.5 and 19.2 of the Policy.

10. It is argued that the Respondent is helping the lower Grade Pay DTL employees to get higher accommodation. Provisions of Clause 12.5 will apply only when an employee in the eligible Grade Pay is not available. The application of the Petitioner has been kept deliberately pending so as to accommodate the DTL employees.

11. Mr. Rameez Raja Advocate appearing on behalf of Respondent takes an objection at the outset that BRPL has not been impleaded as a

party in the present petition. He further submits that the Application of the Petitioner is pending before the Competent Authority and thus the present petition is pre-mature.

12. Mr. Raja assures the Court that every endeavour shall be made to decide the Application as expeditiously as possible and in accordance with the provisions of the Policy. He assures that the decision shall be taken keeping in mind the entitlement of the Petitioner in accordance with his Grade Pay so that no unjust or unfair treatment is meted out to the Petitioner.

13. The present Petition and accompanying Application are accordingly disposed of directing the Respondent to consider and dispose of the Application of the Petitioner, within a period of six weeks from today. Needless to state that the decision will be as per the various provisions of the Policy and the entitlement of the Petitioner.

14. In case the Petitioner has any surviving grievance, after the decision is taken, he is at liberty to resort to such remedies as may be available to him in law.

JYOTI SINGH, J

AUGUST 26, 2020/yo