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

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Date of decision: 13.12.2021

+ **W.P.(C) 14155/2021**

JAGDAMBA

..... Petitioner

Through Mr Saurabh Gupta, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Mr Jagjit Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Physical Hearing/Hybrid Hearing (as per request)]

RAJIV SHAKDHER, J. (ORAL):-

CM Nos.44652-53/2021

1. Allowed, subject to just exceptions.

W.P.(C) No.14155/2021

2. This is a writ petition, which is directed against the order dated 11.01.2019, passed by the Central Administrative Tribunal [in short “the Tribunal”] in O.A. No.137/2019.

3. The one and only grievance of the petitioner is that he has not been allotted a Type-II Railway quarter, although he is entitled to the same.

3.1. A perusal of the impugned order shows that the number of vacant Type-II railway quarters is less than the number of eligible persons, who are entitled to the same, and hence, the request of the petitioner is placed in the wait list dated 14.10.2014; which is pending clearance.

3.2. Given this position, according to the Tribunal, the relief could not be granted to the petitioner.

4. The petitioner, however, makes a grievance with regard to the following:

(i) That house rent allowance (HRA) is being deducted from his salary for a

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Signing Date: 24.12.2021

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Type-II quarter, whereas he is residing in a quarter, which, although is a Type-II quarter, stands partitioned.

(ii) Part of the quarter in which the petitioner is residing is numbered as 128-A, while the other half of the quarter which has been allotted to another person, has sublet the same. This half is numbered as 128-B.

4.1. We may note that the petitioner says that he would be happy if the portions numbered as 128-A and 128-B are combined, as then he would have for his use a Type-II quarter.

4.2. The petitioner claims that his wife is suffering from various ailments and he is required to look after his mother, who is also ill and is undergoing treatment.

5. Insofar as the aforementioned grievances of the petitioner are concerned, the petitioner is given liberty to make a representation to the respondents.

5.1. In case the representation is made, the same will be disposed of, within six weeks from the date, when such representation is made.

5.2. A speaking order will be passed by the respondents and a copy of the same will be furnished to the petitioner.

6. The writ petition is disposed of, in the aforementioned terms.

RAJIV SHAKDHER, J

TALWANT SINGH, J

DECEMBER 13, 2021/pmc