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

% Judgment delivered on: 09.11.2022

+ W.P.(C) 15053/2022 & CM APPL. 46496/2022

ABHISHEK SINHA

..... Petitioner

versus

UNION OF INDIA & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Ajai Kumar Srivastava, Advocate along with Petitioner-in-Person.

For the Respondents: Mr. Subhash Tanwar, CGSC for UOI with Mr. Vinod Tiwari (G.P) and Mr. Sandeep Mishra, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 06.10.2022 whereby the Original Application ('OA') filed by the petitioner, impugning the order of transfer dated 09.06.2022; and rejection of his representation by order dated 03.08.2022 and the relieving order dated 12.08.2022, was dismissed.

2. Learned counsel for the petitioner submits that the son of the petitioner is studying in Pune in ICSE Board and it is not possible for him to secure an admission in the said Board in Delhi in mid-session. He submits that the session is likely to end on 31.03.2023 and he prays that the Department may sympathetically consider his case and consider

permitting him to retain the official accommodation in Pune till the end of the session of the child, so that the education of the child is not disturbed and may also consider granting him some accommodation in Delhi, where he is posted.

3. Learned counsel for the respondents under instructions submits that as an exceptional case respondents have agreed to permit the petitioner to retain the accommodation in Pune for a period of six months on normal rent and shall also permit the petitioner to stay in the Guest House of the Department of Water Resources at Ber Sarai, Delhi, for the said period as well, without charging any damage rent from the petitioner.

4. Learned counsel for the petitioner submits that petitioner has been issued a communication that the period w.e.f. 18.08.2022 till the date of his joining in Delhi shall be treated as a period of unauthorized absence.

5. Keeping in view the peculiar facts and circumstances of this case and without treating the same as a precedent, the offer of the respondents is accepted. Respondents shall permit the petitioner to continue to occupy the accommodation at Pune for a period six months from today and also permit him to stay in the Guest House of the Department of Water Resources at Ber Sarai, Delhi on normal rent.

6. The period between 18.08.2022 till the date of joining shall not be treated as period of unauthorized absence, however, the same shall be adjusted towards the admissible leave of the petitioner in accordance with the rules. Petitioner shall join the place of posting at Delhi within one week from today.

7. It is clarified that this order has been passed in the peculiar facts and circumstances of the case and without treating the same as a precedent. All rights and contentions of the parties are reserved.
8. The petition is disposed of in the above terms.
9. Order *Dasti* under the signature of the Court Master.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

NOVEMBER 9, 2022/nd