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

+ **W.P.(C) 6330/2024**

AKHIL AKHOURI

..... Petitioner

Through: *Appearance not given*

versus

UNION OF INDIA THROUGH SECRETARY & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **06.05.2024**

CM APPL. 26317/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 6330/2024, CM APPL. 26316/2024

1. The Petitioner has approached this Court challenging the Office Memorandum, bearing No. 12035/4/2015-Poll II dated 06.10.2022, by which a decision has been taken by the Government of India, Ministry of Housing and Urban Affairs not to extend the benefit of retention of a government residential accommodation on the posting of a Government Officer to North-east region, including Sikkim.
2. The said OM is also the subject matter of W.P.(C) 272/2023 and W.P.(C) 1851/2023. Analogous Writ Petitions have also been filed before the Gauhati High Court. Since various High Courts were dealing with the same subject matter, a transfer petition, being Transfer Petition Civil



No.1317-1322/2023 was filed before the Apex Court and the Apex Court vide Order dated 02.01.2024 has transferred all the Writ Petitions on the abovementioned subject matter filed in various High Courts to the Gauhati High Court.

3. When this Court suggested the Petitioner that it would be better if the case of the Petitioner, which is identically situated to the Writ Petitions being dealt by the Gauhati High Court, is decided by the Gauhati High Court, learned Counsel for the Petitioner seeks permission to withdraw the present Writ Petition with liberty to approach the Gauhati High Court claiming the very same relief as has been sought for in the present Writ Petition.

4. Leave and liberty, as sought for, is granted.

5. It is also stated by the learned Counsel for the Petitioner that the Petitioner has been transferred back to Delhi and he is entitled to a higher category of accommodation.

6. Liberty is also granted to the Petitioner to raise this issue before the competent forum.

7. The Writ Petition is disposed of as withdrawn, along with the pending applications, if any.

8. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

MAY 6, 2024

Rahul