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

+ W.P.(C) 15504/2024, CM APPL. 65084/2024 (*for stay*)& CM APPL. 65085/2024 (*Exemption*)

MS SILKI KAUR

.....Petitioner

Through: Ms. Deepti Bhagat, Mr. Varun Arora,
Mr. Kulbhushan Sehgal, Advocates

versus

GOVT OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Tushar Sannu, Mr. Sahaj Karan
Singh, Advocates for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

07.11.2024

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1. The Petitioner has preferred an appeal under Rule 22(3)(4) of the Delhi Maintenance and Welfare of Parents and Senior Citizens Rules, 2009 before the Divisional Commissioner impugning order dated 26th September, 2024¹ passed by the District Magistrate. In the said appeal, Petitioner has also filed an interim application dated 22nd October, 2024 seeking stay of the Impugned order.

2. Counsel for the Petitioner states that the appeal was listed before the Court of the Divisional Commissioner yesterday, however, the matter could not be taken up for hearing and was adjourned to 22nd November, 2024. She submits that with effect from 09th November, 2024, the Impugned order passed by the District Magistrate would be enforceable and in absence of



any orders, the Petitioner runs the risk of being evicted.

3. Considering the above, without going into the merits of the case, the present writ petition is disposed of with a direction that the Impugned order dated 26th September, 2024 shall not be enforceable till 22nd November, 2024, when the matter will be taken up by the Divisional Commissioner. In the event, the Divisional Commissioner is unable to take up the matter on the said date, the protection granted in this order shall be extended till the date when the interim application dated 22nd October, 2024 of the Petitioner is taken up.

4. At this juncture, it must be noted that there have been series of orders, passed by this Court, expressing concerns regarding vacancy of the post of Divisional Commissioner and the *ad-hoc* arrangement under which the functions were being discharged by Link Officers. Considering the significance of this post and the steady influx of matters under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, being filed before this Court on account of the vacancy, it is imperative that the position be filled with a permanent appointee. If this issue is not already addressed, the Court expects that the Government of NCT of Delhi will take expeditious steps to make a regular appointment to this critical post. A permanent appointment would ensure that grievances of senior citizens, brought under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, receive timely redress, reflecting the statutory intent of providing effective support to senior citizens in need.

5. Mr. Sannu, counsel for Respondents No. 1 and 2, assures that appropriate steps, if so required, shall be undertaken expeditiously.

¹ “Impugned Order”



6. The present petition is disposed of along with pending applications.
7. *Dasti* under the signatures of the Court Master.

SANJEEV NARULA, J

NOVEMBER 7, 2024/ab