



2024:DHC:9173-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 26.11.2024***

+ W.P.(C) 16306/2024

NAIK MOHINDER LAL (NO-9078239)Petitioner

Through: Mr. Pradeep Shukla, Adv.

Versus

UNION OF INDIA AND ORSRespondents

Through: Mr. Abhishek Maratha, SPC
with Ms. Nupur Sharma, Mr.
Satish Kumar and Mr.
Kamaldeep, Advs.**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 68744/2024**

1. Allowed, subject to all just exceptions.

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2. By the present petition, the petitioner *inter-alia* prays for a restraint on the respondents from recovering any amount as damages from the petitioner by treating him as an unauthorised occupant of the Government quarter at Type-II, Quarter No. 723, Sector 1, RK Puram, New Delhi, for the period from 01.07.2021 to 06.09.2022.

3. The petitioner further challenges Rule 43 of the Central Government General Pool Residential Accommodation Rules, 2017, to the extent that it restricts the period of retention of the General Pool Residential Accommodation at the last place of posting to a period of



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three years only in case of posting of Central Armed Police Force (in short, 'CAPF') personnel to a non-family station such as North-East Region and Jammu & Kashmir.

4. In the petition, the petitioner claims that he made a representation to the respondents on 08.12.2022 against the provisional rent assessment report, which held that certain recovery of damages is to be made against the petitioner. The same has not been responded to till date, nor has any recovery been made from him till date. However, the petitioner apprehends that the respondents may one day start making the recovery of such damages from the petitioner.

5. Having considered the contents of the petition, we direct the respondents to treat the present petition as a representation of the petitioner and to decide the same within a period of eight weeks from today. In case the decision of the respondents is adverse to the interest of the petitioner, no recovery shall be made from the petitioner for a period of at least four weeks from the communication of the order, and it shall be open to the petitioner to challenge the same on all grounds that have been taken in the present petition or otherwise.

6. We make it clear that presently, we have not expressed any opinion on the merits of the claim made by the petitioner.

7. The petition is, accordingly, disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 26, 2024/ss/sk/DG

Click here to check corrigendum, if any

Signature Not Verified

Digitally Signed
By: NEELAM
Signing Date: 28.11.2024
15:00:01

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