



2024:DHC:9234-DB



\$~55

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

Date of decision: 28.11.2024

+ W.P.(C) 16480/2024

ABHISHEK SUHANE

.....Petitioner

Through: Mr. Mohit Mudgal, Mr.
Sandeep Yadav, Ms. Pavitra
Bawa, Mr. Varun Mudgil, Ms.
Eti Kushwaha, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Ashish Batra, SPC, Mr.
Aakash Meena, Adv. for R-1, 2
& 3.
SI S. Sarkar, SSB

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 69538/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 16480/2024 and CM APPL. 69537/2024

3. This petition has been filed by the petitioner praying for a direction to the respondent no. 2 to allow the petitioner to retain the already allotted residential accommodation, being Quarter No. 103, B-Block, Pragati Vihar Hostel, Lodhi Road, New Delhi 110022, for a



period of three years from the date of its allotment, that is, till April 2026.

4. It is the case of the petitioner that the petitioner was allotted the abovementioned quarter on 18.04.2019, under the provisions of the Central Government General Pool Residential Accommodation Rules, 2017. The same was physically occupied by him on 13.05.2019. *Vide* an order dated 22.02.2023, the petitioner was transferred to 65th Battalion, Bettiah, located in West Champaran District of Bihar from the Force Headquarters, Sashastra Seema Bal (SSB), New Delhi. At the time of the said transfer, the West-Champaran District of Bihar was covered under the Security Related Expenditure (SRE) Scheme as a non-family station and the petitioner was entitled to retain the said allotted quarter for use of his family members for a period of three years from the date of his transfer, that is from May, 2023 to April, 2026, in accordance with the Rules.

5. The petitioner claims that respondent no. 1 reviewed the categorisation of districts affected by Left Wing Extremism (LWE) and issued an Order dated 11.03.2024 removing West-Champaran District of Bihar from the SRE Scheme with effect from 01.04.2024. The above notification was communicated to the petitioner only in July 2024, when the respondents arbitrarily began to charge more than the normal license fee from the petitioner. Aggrieved by the same, the petitioner made a representation to the respondents, however, he has been told to vacate the allotted residential accommodation by 30.11.2024.

6. The learned counsel for the petitioner submits that the petitioner



would be entitled to retain the quarter for a period of three years from the date of his transfer in accordance with the then prevailing policy. He submits that the change of the categorisation of the West-Champaran District of Bihar post his transfer will not affect his right to retain the quarter.

7. He further submits that, in any case, the notification dated 11.03.2024, removing the West-Champaran District of Bihar from the SRE Scheme, was communicated to the petitioner in July, 2024. In accordance with the policy, therefore, the period of eight months should be granted to the petitioner to retain the quarter from the date of such communication and not before.

8. He further submits that the wife of the petitioner is suffering from various ailments and is undergoing treatments at AIIMS, New Delhi in the Psychiatric Department and, therefore, the petitioner also seeks a sympathetic consideration of his case for retention of the quarter in question since shifting to another location would disrupt his wife's ongoing treatment.

9. *Prima facie* we do not find any merit in the submission of the learned counsel for the petitioner that even with the West-Champaran District of Bihar having been removed from the list of the SRE Scheme, the petitioner would be entitled to retaining the quarter for a period of three years from the date of his posting. However, at the same time, as this was a subsequent development post his shifting to the West-Champaran District of Bihar, we are, *prima facie* of the view that adequate time should be granted to the petitioner to make alternate arrangements for the residence of his family. We are also



2024:DHC:9234-DB



persuaded by the fact that the petitioner was communicated with the impugned decision, as claimed by the petitioner, only in July 2024. The family condition of the petitioner would also need consideration by the Competent Authority of the respondents.

10. Keeping in view the above, we direct the respondents to consider the contents of the present petition as a representation of the petitioner for further retention of the quarter in question. The same be decided by the respondents within a period of four weeks from today. In case such decision is adverse to the interest of the petitioner, the same shall not be given effect to till at least two weeks from the date of communication of its decision. It shall be open to the petitioner to avail of his legal remedies against the said decision.

11. We make it clear that our above observations are only *prima facie* in nature and would not bind either of the parties, especially the respondents in considering the representation of the petitioner.

12. The petition along with the pending application is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 28, 2024
SU/SK/as

[Click here to check corrigendum, if any](#)