



2024:DHC:9235-DB



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

Date of decision: 28.11.2024

+ W.P.(C) 16484/2024

SURESH SUBRAMANIAM

.....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. Abhishek Yadav, SPC with
Mr. Kapil Yadav, Adv.
SI S. Sarkar, SSB

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 69546/2024 (exemption)

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

W.P.(C) 16484/2024 and CM APPL. 69545/2024

3. This petition has been filed by the petitioner praying for a direction to respondent no. 2 to allow the petitioner to retain the already allotted residential accommodation/quarter, being Type 5B quarters at R Block, Quarter No. 31, Nivedita Kunj, Sector 10, R.K. Puram, New Delhi 110022, till completion of the Class-X Board



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Examination of the daughter of the petitioner.

4. It is the case of the petitioner that the petitioner was allotted the abovementioned quarter on 12.12.2019 under the provisions of the Central Government General Pool Residential Accommodation Rules, 2017. The same was physically occupied by him on 08.02.2020. *Vide* an order dated 24.05.2023, the petitioner was transferred to Sector Headquarters, 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, 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 July, 2023 to June, 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 the 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 respondent arbitrarily started 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. The learned counsel for the petitioner 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 to retain the quarter should be granted to the petitioner from the date of such communication and not before.

8. He further submits that the daughter of the petitioner is in 10th grade and has to appear in the Board Examination in March 2025 and, therefore, the petitioner also seeks a sympathetic consideration of his case for retention of the quarter in question.

9. *Prima facie* we do not find any merit in the submissions 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 retain 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 persuaded by the fact that the petitioner was communicated with the impugned decision, as claimed by the petitioner, only in July 2024.



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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 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