



2025:DHC:141-DB



\$~68

* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 09.01.2025***+ **W.P.(C) 195/2025****ABHISHEK SUHANE**

.....Petitioner

Through: **Mr.Mohit Mudgal, Mr.Sandeep
Yadav, Mr.Varun Mudgil,
Ms.Shivani Rautela, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr.Ashish Batra, SPC with
Mr.Aakash Meena, Adv. for R-
1, 2 & 3****CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MS. JUSTICE SHALINDER KAUR****NAVIN CHAWLA, J. (Oral)****CM APPL. 863/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

W.P.(C) 195/2025 & CM APPL. 862/2025

2. This petition has been filed by the petitioner challenging the Order dated 19.12.2024 passed by the respondent no.2, whereby his representation for further retention of the residential accommodation/quarter bearing no. B-Block, Quarter No. 103, Pragati Vihar Hostel, Lodhi Road, New Delhi 110022, has been rejected by the respondent no.2. The petitioner has also been directed to vacate the said accommodation within a period of 15 days of the receipt of the said Order and to pay damages with effect from 01.12.2024.

3. The learned counsel for the petitioner submits that the petitioner had been transferred to Sector Headquarters, Bettiah, located in the



2025:DHC:141-DB



West-Champaran District of Bihar, from the Force Headquarters, SSB, New Delhi, *vide* Order dated 22.02.2023. On the date of his transfer, the said District was classified as being affected by Left Wing Extremism (LWE) and, therefore, entitled for the Security Related Expenditure (SRE) Scheme. In view thereof, the petitioner was entitled to retain his accommodation at New Delhi. However, by an Order/Notification dated 11.03.2024 issued by the respondent no.1, the said District was removed from the SRE Scheme. This fact was communicated to the petitioner only in July 2024, calling upon him to vacate the residential accommodation within eight months from the date of the Order, that is, 11.03.2024.

4. The petitioner submitted a representation to the respondents seeking further retention of the accommodation, stating that he be granted time of eight months from the date of communication of the Order dated 11.03.2024, and also on the ground that his wife was ailing and undergoing treatment at AIIMS.

5. The petitioner then filed a petition before this Court, being W.P.(C) 16480/2024, which was disposed of by this Court *vide* its Order dated 28.11.2024, observing as under:

“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



2025:DHC:141-DB



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. 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."

6. Pursuant to the above direction, the Impugned Order has been passed, whereby the petitioner has been informed that the request for retention of government accommodation beyond the permissible period cannot be acceded to as there is no provision which allows the retention beyond the permissible period under the Central Government General Pool Residential Accommodation Rules, 2017. Aggrieved thereby, the petitioner has filed the present petition.

7. The learned counsel for the petitioner submits that the respondents have failed to consider the fact that the petitioner was informed of the Order dated 11.03.2024 only in July 2024 and, therefore, did not get sufficient time to make arrangement for alternate accommodation for the family of the petitioner. He further submits that the respondents have also failed to take into account the medical



2025:DHC:141-DB



condition of the wife of the petitioner. He submits that, in any case, the petitioner undertakes to vacate the government accommodation on or before 20th January, 2025, and his only prayer is that the petitioner be not charged a penalty for retaining the government accommodation beyond 01.12.2024 till date of vacation of the accommodation.

8. Issue notice.

9. Notice is accepted by Mr.Ashish Batra, the learned counsel for the respondents.

10. He submits that the Order dated 11.03.2024, de-classifying the District of West-Champaran, was within the knowledge of the petitioner, and, in any case, the petitioner cannot obtain any benefit of further retention of the government accommodation by contending that the same was communicated to him only in July 2024. He further submits that the petitioner had been already granted sufficient relief by extending his period of occupation till 30.11.2024.

11. We have considered the submissions made by the learned counsels for the parties.

12. It is not disputed that by an Order dated 11.03.2024, the respondent no.1 had de-classified the District of West-Champaran, and it was no longer included in the SRE Scheme.

13. In terms of Rule 40 (iii) of the CGPRA Rules, 2017, a government employee is entitled to retain the government accommodation for a period of two months at the normal licence fee and for an additional period of six months on double the licence fee.

14. In the present case, the petitioner was transferred to the West-Champaran District in May 2023, when admittedly, the said area was



2025:DHC:141-DB



covered under the SRE Scheme. It was during the period of the petitioner's posting, that the area was de-classified by an Order dated 11.03.2024. The petitioner would, therefore, have had to make alternate arrangements for accommodating his family. The petitioner has also contended that his wife is ailing and is undergoing treatment at AIIMS, for which he has submitted the medical documents on record.

15. Keeping in view, the peculiar facts of the present case and binding the petitioner to his undertaking that he shall vacate the government accommodation on or before 20th January, 2025, we restrain the respondents from treating the petitioner as an unauthorised occupant of the government accommodation till 20th January, 2025.

16. In case the petitioner fails to vacate the government accommodation on or before the said date as undertaken, the relief granted by this Order shall automatically stand vacated and become non-operative. Consequently, the petitioner will be liable to pay the damages in accordance with the demand raised by the respondents *vide* its Impugned Letter dated 19.12.2024.

17. With the above directions, the petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 9, 2025/sg/DG

Click here to check corrigendum, if any