



2025:DHC:303-DB



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

Date of decision: 21.01.2025

+ W.P.(C) 764/2025
MR SUNIL KUMAR

.....Petitioner

Through: Mr.Shreeyash Uday Lalit,
Mr.Himanshu Vats,
Ms.Runjhum Garg, Mr.Lavam
Tyagi & Mr.Angad Pahal,
Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Rohan Jaitley, CGSC with
Mr.Dev Pratap Shahi,
Mr.Varun Pratap Singh,
Mr.Yogya Bhatia, Advs. &
Mr.Hussain Taqvi, GP for R-1
to R-3.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 3781/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 3783/2025

2. The petitioner is permitted to file the lengthy synopsis and list of dates within a period of four weeks from today.

3. The application stands disposed of.



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W.P.(C) 764/2025 & CM APPL. 3782/2025

4. This petition has been filed by the petitioner, praying for the following reliefs:

“a) Issue appropriate writ, order(s), direction(s) to set aside the Cancellation Letter dated 02.01.2025 by the Directorate of Estates, Nirman Bhavan cancelling the retention of the residential premises under General Pool Residential Accommodation (“GPRA”) situated at B-125, Ground Floor, Nanakpura, New Delhi – 110021.

b) Issue appropriate writ, order(s), direction(s) that the Petitioner can continue with the retention of the residential premises under General Pool Residential Accommodation (“GPRA”) situated at B-125, Ground Floor, Nanakpura, New Delhi – 110021 on normal license fee without any damage charges.

c) Issue appropriate writ, order(s), direction(s) to set aside the Office Memorandum dated 26.11.2024 issued by Respondent No. 2.”

5. It is the case of the petitioner that the petitioner was appointed as an Assistant Commandant (GD) in Sashastra Seema Bal (“SSB”), vide Order dated 16.10.2012. He was allotted a Government Accommodation, being House Type-IV, B-125, Ground Floor, Nanakpura, New Delhi – 110021, while being posted at the Force Headquarter, SSB, R.K. Puram, New Delhi as a Deputy Commandant. The petitioner was then transferred to the 26th Bn, SSB, Ranchi, where he reported on 31.07.2023.

6. The learned counsel for the petitioner submits that in terms of



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the Circulars dated 14.04.2018 and 19.06.2021 issued by the Left Wing Extremism Division, Ministry of Home Affairs, Ranchi was declared by the respondent no.1 as a 'Security Related Expenditure area' being affected by the Left Wing Extremism. He submits that in terms of the General Pool Residential Rules, 2017 (hereinafter referred to as the "GPRA Rules"), it was therefore, a 'non family station', and the petitioner, in terms of Rule 41 read with Rule 43 of the GPRA Rules, was entitled to retain the abovementioned Government Accommodation at New Delhi.

7. He submits that subsequent to the transfer of the petitioner, by way of a Circular dated 11.03.2024, the respondent no.1 re-categorized the districts affected by the Left Wing Extremism, and placed the Ranchi District in the category of 'Legacy & Thrust Districts (L T Districts)'. The respondent no.3 pursuant to the above re-categorization, by an internal Office Note dated 05.07.2024 read with Office Note dated 14.06.2024, observed that the personnel posted at Ranchi would still being entitled to retain their Government Residential Accommodation allotted at their last place of posting. It was only by the Impugned Circular dated 26.11.2024, that the respondent no.2, that is, the Ministry of Housing and Urban Affairs, clarified that the officers posted in the districts which have been categorized as 'Legacy & Thrust Districts (L T Districts)' in the Circular dated 11.03.2024, would be allowed to retain the Government Accommodation at their last place of posting only for a period of two months on normal license fee, plus six months on double license fee,



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w.e.f. 01.04.2024.

8. The learned counsel for the petitioner submits that this Impugned Circular was communicated to the petitioner only sometime after 26.11.2024 but had a retrospective effect from 01.04.2024, thereby, not giving sufficient time to the petitioner for making the arrangement of alternate accommodation for his family.

9. The learned counsel for the petitioner further submits that though the petitioner should be held entitled to retain the Government Accommodation at New Delhi for a period of two months from 26.11.2024 on normal license fee, and for additional six months on double the license fee, the petitioner is ready and willing to vacate the Government Accommodation on or before 28.02.2025. He submits that given the peculiar facts of this case, only normal license fee should be charged from the petitioner for the abovementioned period for the retention of the said Government Accommodation.

10. He further submits that to the knowledge and belief of the petitioner, the respondent no.1 is reconsidering its Circular dated 26.11.2024, for extending the benefit of retention of the Government Accommodation even for areas which have now been categorized as 'Legacy & Thrust District (L T Districts)'. He submits that in case the respondent no.1 takes a decision for extension of the benefit to the areas now categorized as 'Legacy & Thrust Districts (L T District)', the petitioner be also extended the same benefit notwithstanding his above undertaking.

11. Issue notice.



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12. Notice is accepted by Mr. Rohan Jaitley, the learned counsel for the respondents.

13. He submits that in the present case, the respondent no.1, considering the ground conditions, has re-categorized Ranchi as 'Legacy & Thrust Districts (L T District)' thereby removing it from the list of Left Wing Extremism. He submits that this being a policy decision based on various factors, this Court cannot interfere with the same. He further submits that the petitioner has been given adequate time to vacate the Government Accommodation and there is no reason for extending the same any further. He submits that the case of the petitioner for extension of the retention of the Government Accommodation has been considered, and no benefit can be extended to the petitioner in this regard. He submits that the present petition should be dismissed.

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

15. In the present case, as would be evident from the above, there is no dispute that till 11.03.2024, the petitioner was entitled to retain the Government Accommodation in accordance with the Circular issued by the respondent no.1 read with Rule 41 and 43 of the GPRA Rules. Though, Ranchi District, by the Circular dated 11.03.2024, was thereafter, categorised as 'Legacy & Thrust Districts (L T District)', it appears that there was some confusion on whether the personnel posted in such districts would still be entitled to avail the benefit of Rules 41 and 43 of the GPRA Rules, thereby, being allowed to retain



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the Government Accommodation where they were last posted. The Internal Office Note dated 05.07.2024 points in this direction. It is only by the Impugned Clarification dated 26.11.2024 issued by the respondent no.2, that it was clarified that as far as the personnel posted at 'Legacy & Thrust Districts (L T District)', they shall not be entitled to avail the benefit of Rule 41 read with Rule 43 of the GPRA Rules. The clarification, however, was made effective from the retrospective date, that is, 01.04.2024. For giving time to the personnel to vacate the Government Accommodation and for making the alternate arrangement for their families, it was stipulated in the said Order that the personnel would be entitled to retain the Government Accommodation for a period of two months on a normal license fee, and for additional six months on double license fee. This period, however, is being reckoned from 01.04.2024. It would have taken time for communicating this decision to the concerned personnel and for the personnel to make alternate arrangement for the accommodation of their families. Given the peculiar facts of this case, therefore, we are of the opinion that while the Office Memorandum dated 26.11.2024 does not warranting any interference from this Court, at the same time, the petitioner should be allowed to retain the Government Accommodation till 28.02.2025, subject to the petitioner giving an undertaking to this Court and to the respondents that he shall vacate the same on or before the said date.

16. The undertaking shall, however, be subject to any decision which may be taken by the respondents themselves in favour of the



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petitioner and other such effected personnel.

17. The said undertaking must be filed by the petitioner within a period of one week from today.

18. In case the petitioner vacates the Government Accommodation on or before 28.02.2025, the period of his retention of the Government Accommodation shall be regularized at normal license fee with effect from 01.04.2024.

19. With the above directions, the present petition and the application are disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 21, 2025/Arya/IK

Click here to check corrigendum, if any