

Deepak Kumar vs.union of India & Ors

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Court : Delhi

Decided On : May-30-2018

Appellant : Deepak Kumar

Respondent : Union of India & Ors

Advocate for Def. : Mr. J.K. Singh, Mr. Ranjeet Kumar, Ms. Madhulika Agarwal

Advocate for Pet/Ap. : Mr. Satish Kumar

Judgement :

\$~40 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of Decision:

30. h May, 2018 + W.P.(C) 4329/2018 & CM No.16820-16821/2018 DEEPAK KUMAR

... Petitioner

Through: Mr. Satish Kumar and Mr.Vishal Patel, Advs. versus UNION OF INDIA & ORS

... RESPONDENTS

Through: Mr. J.K. Singh, Standing Counsel with Mr. Ranjeet Kumar and Ms. Madhulika Agarwal, Advs. CORAM: HON'BLE MR. JUSTICE J.R. MIDHA JUDGMENT (ORAL) 1. The petitioner has challenged the impugned judgment dated 13th November, 2017 whereby the learned District Judge dismissed the petitioners appeal against the eviction order passed by the Estate Officer.

2. On 26th April, 2014, the petitioner was transferred from Delhi to Muzaffar Nagar. The petitioner retained the official quarter on the ground of sickness of his wife and made a request for extension of the retention period on 20th June, 2014 and 17th September, 2014.

3. On 22nd September, 2014, the petitioner was transferred back to Delhi whereupon the petitioner requested for regularisation of the accommodation retained by him. However, his request was rejected and the Estate Officer passed an eviction order which was challenged by the petitioner in the W.P.(C) 4329/2018 & CM No.16820-16821/2018 Page 1 of 2 authority.

4. This Court is of the view that the official accommodation of the petitioner should have been regularised when the petitioner was transferred back to Delhi. Vide order dated 27th April, 2018, this Court directed the matter to be placed before DGM (Law), Railways. Mr. J.K. Singh, learned Standing Counsel for railways has handed over the copy of the opinion of the DGM (Law) who has agreed with the view of this Court that the official accommodation of the petitioner should have been regularised when he was transferred back to Delhi.

5. The writ petition is allowed, impugned judgment dated 13th November, 2017 passed by the District Judge as well as eviction order passed by the Estate Officer are hereby set aside and the official accommodation in occupation of the petitioner is hereby regularised. Pending applications are disposed of.

6. This Court appreciates the fair view taken by the DGM (Law) in this matter.

7. Copy of this judgment be given dasti to counsels for the parties under signature of Court Master. MAY24 2018 ak J.R.MIDHA, J.

W.P.(C) 4329/2018 & CM No.16820-16821/2018 Page 2 of 2

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