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**(2022) 06 AFT CK 0012**

**Armed Forces Tribunal Principal Bench, New Delhi**

**Case No:** OA 1120 Of 2022

Sub Dharam Veer

APPELLANT

Vs

Union of India & Ors

RESPONDENT

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**Date of Decision:** June 3, 2022

**Acts Referred:**

- Armed Forces Tribunal Act, 2007 - Section 14

**Hon'ble Judges:** Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

**Bench:** Division Bench

**Advocate:** Anand Kumar, Jyotsna Kaushik

**Final Decision:** Disposed Of

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### **Judgement**

1. Invoking jurisdiction of this Tribunal, the appeal has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 and the prayers made

read as under:

a) Quash and set aside the order dated 28/04/2022 [Annexure-A/1] passed by the Respondent No. 3 and

b) Direct the Respondent No. 3 not to take any coercive steps to get the Govt. Accommodation (Qtr No. 353/4, CVD Lines, Sadar Bazar,

Delhi Cantt.) vacated before completion of six (06) months from the date of his retirement i.e. from 31 May 2022 and/or

c) Pass any such order(s)/direction(s) which this Honble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The applicant, who was discharged from service on 31.05.2022, has sought for quashing the order

dated 28.04.2022 (Annexure-A/1) by which the Govt. accommodation No. 353/4, CVD Lines, Sadar Bazar, Delhi Cantt. allotted to him is directed to

be vacated by 10.06.2022. Referring to the policy for retention of Govt. accommodation dated 03.02.2021, learned counsel argues that as per this

policy, the applicant is entitled to retain the Govt. accommodation for a period of six months after retirement and the impugned order, directing the

applicant to vacate the Govt. quarter even before the period of six months is over, is unsustainable in law.

3. Taking note of the aforesaid, on 27.05.2022, we had directed the respondents to seek instructions in the matter. Today, the respondents

inform us that the entire Block is required to be handed over to another authority for various administrative reasons. They pointed out that an alternate

accommodation bearing Quarter No. P-33/30 at Piru Vihar has been allotted to the applicant. However, the applicant is refusing to

take possession of the said quarter. They have produced before us a letter dated 02.06.2022 in this regard issued by the Competent Authority.

4. Learned counsel for the applicant produced before us certain photographs of the alternate accommodation allotted and submit that it is in very bad

shape and the applicant cannot stay there. However, in our view, the applicant should shift into this alternate accommodation and the respondents

should make the repairs and they are required to make the alternate accommodation habitable.

5. Keeping in view the aforesaid, we see no reason to interfere into the matter. Respondents to allot the alternate accommodation to

the applicant, make it suitable for living by making necessary amendments and repairs in this regard. The applicant may shift to the alternate

accommodation and the respondents should take steps for getting it repaired within a reasonable period of time.

6. With the aforesaid, OA stands disposed of.