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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 18781/2025, CM APPL. 78155/2025, CM APPL. 78156/2025
LOKESH KUMARPetitioner

Through: Mr. Shashi Pratap Singh, Mr. Shagun
Sabharwal, Ms. Anamika Tyagi, Mr.
N. Aggarwal and Mr. Aishwariya
Bhatia, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Shivam Sachdeva, SPC for UOI
alongwith Ms. Bhavna Bajaj,
Advocates.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **17.12.2025**

CM APPL. 78156/2025 – Exemption

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

W.P.(C) 18781/2025

3. The present petition has been filed by the petitioner assailing the Cancellation of Allotment order dated 30.09.2025 and an Appeal rejection order dated 21.11.2025 passed by the respondent no. 3 (Assistant Director of Estate), cancelling the petitioner's GPRA accommodation *qua* Quarter No. 323, Block A, Motibagh, New Delhi- 110021.
4. The petitioner is an employee of the Indian Air Force and was allotted the aforesaid premises on 01.04.2016. On 23.07.2025, a Show Cause Notice was issued to the petitioner alleging sub-letting of the said premises. The said Show Cause Notice reads as under:

“ *Maulana Azad Road, New Delhi 23.07.2025*



NOTICE

As a result of enquiries made, it has been reported that you have been residing in Government residence No. Quarter Type-2, Sector: - Block, A, Quarter No: 323, MOTI BAGH, New Delhi allotted to you and have completely/partially sublet the same to some unauthorized persons in contravention of the provisions contained in Central Government General Pool Residential Accommodation, Rules 2017. The date of inspection of house was 18-07-2025.

2. You are hereby asked to show-cause on 07-08-2025 at 03:00:00 PM as to why

(a) The allotment of the above mentioned government residence may not be cancelled in your name.

(b) You should not be declared ineligible for allotment of CGGPRA for the remaining period of your service.

(c) You should not be charged damages (Telescopic Method) from the date of inspection of allotment as may be determined by the Central Government from time to time.

(d) You should not be debarred from allotment.

3. In case you desired to be heard in person you may appear along with your written reply to this notice before the undersigned on 07-08-2025 at 03:00:00 PM: in Room-506, C-Wing, Nirman Bhawan, New Delhi. You may bring along with you all the evidences in original (and a copy) viz. Adhar card, Election card, Driving Licence, Passport, Saving bank Account Pass Book, certificates from educational institutes where your children are studying etc. which you may like to produce to prove your normal stay in the above mentioned Govt. accommodation allotted to you. Also, produce address proof like Adhar Card/Voter Card of occupants found during inspection.

4. In case subletting is established, you will be liable for disciplinary action in terms of Ministry of Personnel, Public Grievance and Pension (Department of Personnel & Training) O.M. No.11013/14/85-Estt.(A) dated 6.3.1986 and O.M. No. F11012/2/97-Estt.(A) dated 31.12.1997.

5. In case you fails to appear on the said date and time, second & final



notice will be served thereafter.

6. No conveyance allowance will be admissible.

*Asst. Director of Estates
Nirman Bhawan”*

5. Thereafter, on 18.07.2025, some officials of the respondent/s inspected the concerned premises. It is the case of the petitioner that the officials sought to forcibly enter the petitioner's house where his wife and young children were present. Upon being asked, the officials refused to show any identification or authority for conducting such inspection. Thereafter, the petitioner filed a written complaint dated 18.07.2025, regarding the said incident. The same reads under:

“To

*Station House Officer (SHO)
Police Station Sector-12, R.K. Puram
New Delhi.*

Subject: Complaint regarding misconduct by unauthorized personnel

Sir/Madam,

I am writing to report an incident that occurred today at my residence A-323 Moti Bagh, New Delhi. While I was absent, some unwanted persons visited my house, purportedly to inspect my allotted government accommodation without any prior notice. The visit created unnecessary nuisance to my family members, who were disturbed by their presence. Notably, these individuals were not accompanied by a lady attendant, which added to the discomfort and concern.

When my family members asked for their identification and authority to conduct such an inspection, they failed to provide any satisfactory details. Given the circumstances, I had no choice but to call the police helpline (100) for assistance. Subsequently, both I



and the unwanted persons were brought to the police station for further inquiries.

I request that you take strict action against these individuals for their misconduct and ensure that such incidents do not recur in the future. It is crucial to verify their identities and authority before allowing them to interact with government allottees in such a manner.

I appreciate your attention to this matter and look forward to your action.

Sincerely,

*Lokesh Kumar
A-323, Moti Bag, New Delhi
Dated: 18/7/2025”*

6. In the above backdrop, the cancellation order dated 30.09.2025 came to be issued by the respondent no.3. The same reads as under:

DE/8/8372/MTB/E/2025
Government of India
Directorate of Estates
(ENQUIRY SECTION)
Nirman Bhawan, New Delhi, 30-09-2025
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ORDER
Date of Inspection: 18-07-2025
As a result of physical inspection and enquiries made, it has been established that you have been residing in the General Pool residential accommodation allotted to you, the particulars of which are specified in the schedule below. During the inspection of your quarter it was found that you and your family misbehaved with the inspection team (Govt. Officers/officials) and obstructed them from performing official duty, constituting a breach of rules under Part XIII, 71(c) & (d) of CGPRA Rules, 2017.
2. In exercise of the powers conferred under the above said Rules, the competent authority has decided to cancel the allotment of the said General Pool residential accommodation in your name on account of breach of GPRA Rules, 2017. The allotment of the said Government accommodation stands cancelled in your favour from the date of inspection of quarter. It is also decided to declare you as ineligible for allotment of General Pool residential accommodation for the remaining period of your service.
3. It has been decided that you should be charged damages from the date of inspection of the quarter to the date of vacation of the below mentioned quarter.
4. You are directed to vacate and hand over full vacant possession of the below mentioned quarter to the CPWD under intimation to this Directorate failing which eviction proceedings will be taken under the Public Premises (Eviction of Unauthorized occupants) Act, 1971.
5. In case you are aggrieved against this Order, you may prefer an appeal through the proper channel to the Director of Estates, within a period of 30 days of the receipt of this order by you or your employer.
SCHEDULE
Quarter Details- Type : 2, Sector : -, Block : A, Quarter No : 323, MOTI BAGH, NEW DELHI
Asstt. Director of Estates (E)
सहायक निदेशक/Assistant Director
आवास विभाग, Directorate of Estates
नगर सरकार/Govt. of India
नियंत्रण संख्या, नं. डी.ई. 10511
Nirman Bhawan, New Delhi-110011



7. It is noticed that while the initial Show Cause Notice issued to the petitioner was founded on the allegation of subletting, the impugned order dated 30.09.2025 contains no such allegation. On the contrary, the impugned order is in clear disjunct with the Show Cause Notice, inasmuch as it proceeds on an altogether new ground, namely, that during the course of inspection, the petitioner and his family members misbehaved with the inspection team.

8. It appears that no Show Cause Notice setting out the aforesaid allegation was ever issued to the petitioner. Consequently, the petitioner filed an inter-departmental appeal dated 14.10.2025 against the order dated 30.09.2025, raising a grievance against the impugned action on the ground that the petitioner was the genuine allottee of the aforesaid accommodation. The said appeal is in the following terms:

Subject: Appeal to the Order No. DE/8/8372/MTB/E/2025 dated 30.09.2025

Sir with due respect I would like to bring to your kind notice that I have received an order No. DE/8/8372/MTB/E/2025 on 07.10.2025 regarding cancellation of my general pool residential accommodation allotted to me in breach of rules under Part-XIII, 71 (c) & (d) of CGPRA Rules 2017.

Sir, in connection with allegations of the said order, my submissions are as under:

- i) On the day of inspection on 18.07.2025 around 4:30 PM at my government accommodation while I was on my official duty at Air Force station Race Course. At around 4:25 PM on 18.07.2025, my wife told me over the phone that 3 people have come outside the house and asking to check the house and misbehaving with my wife and children. They started taking photographs of my wife and children. I suspected that there could be some wrong people and they could commit a crime against my wife and children who are alone at home. I called by younger brother to reach home immediately to handle the situation.
- ii) In a hurry, I reached home around 4:32 PM and found that a car no. DL 2CAQ 2126 white swift dezire was parked and three people were arguing with my wife and children. I introduced myself before them and told that I am the Allottee of the accommodation. I asked them to show their identity and the reason what they have come for. They started scolding saying that "we have come from the estate office for checking subletting of the accommodation".
- iii) In an apprehension, I politely asked them to show their Identity cards and if you do not show your identity, I will not allow you to enter my house and will call the police. They have only showed me a piece of paper on which my name, designation, my office address and my residence address were mentioned. No search was shown to me by them.



- iv) I became more suspicious that these people could commit a crime in my house, so I called the police and immediately after my call, two people left from there, so I became more suspicious that these people may not be from estate office and they called their third partner from outside and asked him to come out. I asked him to wait till the police came, but he also tried to leave from there, so I took away the keys of their car till the police arrived. By then the neighbours came and meanwhile the police also reached. I return the car keys to the driver of the car in front of the police and the police asked the driver to call those two people too. At that time my wife and children were very scared. After this, the police took me and my wife and one of them to South Campus Police station in a PCR vehicle, where those three people showed their IDs to the police and I came to know their names and addresses in the police station itself. I had given a written complaint to the police in DD No.56A, then the police told us to go home.
- v) Later my wife told me that she had given her phone to one of those people to talk to you, after which that man started talking to me very rudely over the phone. Hearing all this, my wife was got scared and went inside the house with my daughter and son. Suddenly, one of those people entered house forcefully and threatened my wife in front of my children and said that I will get this house sealed. My wife requested them to wait for me to reach there but they did not turn up.

- vi) I have a CCTV footage and video clips of said incident of 18.07.2025, which I am ready to provide.

Sir, I would like to inform you that whatever happened on that day from me and my family is members is merely out of fear of security of my family and nothing was done intentionally on our part.

Sir, further, I may state that we did not misbehave in any manner with any of the officials of estate office. Instead, they misbehaved with me and my family members. Sir, I am the genuine allottee of the said accommodation from 01.04.2016, which was regularised on my name after retirement of my father Shri Rambir Singh.

I apologize if it was a misbehave from my side asking them to see their identification to ensure the safety of myself and my family.

I, therefore, request you to kindly accept my appeal and due consideration may be given to my submissions. I also request you to cancel the above said order. I shall be grateful to you.

Thank you,

(Lokesh Kumar)

Appellant

S/o Shri Rambir Singh

R/o A/323, Moti Bagh 1st

New Delhi-21.

Mob.No.7042130209

9. In the above backdrop, the appellate authority passed an order dated 21.11.2025 which is in the following terms:



✓ To:-

LOKESH KUMAR, COOK

Quarter No : 323, Sector : -, Type : 2, MOTI BAGH, null

Subject: Enquiry into subletting / breach of GPRA rules of Government accommodation number Sector : -, Block : A, Quarter No : 323, MOTI BAGH allotted to you

Sir,

The undersigned is directed to refer to your appeal to the Director of Estates - II, against the penalties imposed on you on the charges of ~~unauthorised subletting~~ / breach of GPRA rules of the said Quarter by you, vide this Directorate's order of even number dated 30-09-2025 and to inform you that the said representation has been considered by the Director of Estates - II who has decided to reject your appeal.

2. Accordingly, you are directed to vacate and hand over the vacant possession of the above said quarter to the local C.P.W.D enquiry under intimation to this Directorate, failing which eviction proceedings under Public Premises (Eviction of Unauthorised occupants) Act, 1971 will be initiated against you.

Your faithfully,

Asstt. Director of Estates (E)

10. Evidently, apart from the cryptic observations that “it has been decided to reject the appeal”, none of the contentions of the petitioner have been dealt with in the appellate order dated 21.11.2025.
11. In the above conspectus, the present petition has been filed assailing the impugned cancellation order dated 30.09.2025 and appellate order dated 21.11.2025 passed by the respondent no.3.
12. Issue notice.
13. Learned counsel, as aforesaid, accepts notice on behalf of the respondents. He seeks some time to take instructions/to file reply.
14. Let the same be filed within a period of 4 weeks from today. Rejoinder thereto, if any, be filed within a period of 2 weeks thereafter.
15. List on 28.04.2026.
16. In the meantime, considering the aforesaid facts and circumstances, the



impugned cancellation order dated 30.09.2025 and appellate order dated 21.11.2025 (along with other consequential actions) shall remain stayed till the next date of hearing.

SACHIN DATTA, J

DECEMBER 17, 2025/at