

No.11013/D/10/2015-Pol.I/43-6
(Comp. No. 3130799)
Government of India
Ministry of Housing & Urban Affairs
Directorate of Estates
(Policy Division)

Nirman Bhawan, New Delhi-110011
Dated, the 20th October, 2021

OFFICE MEMORANDUM

Subject: Withdrawal of the Scheme dated 28.03.2017 for providing alternate accommodation in Delhi to retired Central Govt. employees belonging to the State of Jammu & Kashmir.

The undersigned is directed to say that in compliance of the directions of Hon'ble Delhi High Court's Order dated 01.06.2012 in the case of UOI & Ors Vs. Vijay Mam in LPA No.332/2011, this Directorate had formulated a Policy for Kashmiri Migrant Scheme vide its O.M. No.11013/D/10/2015-Pol.I dated 28.03.2017 for providing alternate residence to retired Government employees, belonging to State of Jammu & Kashmir, who were possessing General Pool Residential Accommodation in Delhi.

2. Recently, while deciding the Civil Appeal No.6619/2014 in the matter of Union of India & Anr. Vs. Omkar Nath Dhar, the Hon'ble Supreme Court has, vide its Judgement dated 07.10.2021 held that *"the Office Memorandum issued on 28.03.2017 was in terms of the directions of the High Court of Delhi. Such order of High Court has not been approved by this Court vide its Order dated 05.08.2021. Therefore, the entire basis of issuance of Office Memorandum falls flat as the very foundation of such Scheme stands knocked down."* The Hon'ble Supreme Court has struck down the said OM as being totally arbitrary and discriminatory.

3. In compliance of Hon'ble Supreme Court Order dated 07.10.2021, the Kashmiri Migrant Scheme issued vide OM dated 28.03.2017, 19.05.2017 and 10.11.2017 stands withdrawn with immediate effect. The allottees (Kashmiri Migrants) who are in occupation of GPRA after retirement are granted time to vacate the premises (GPRA) by 30th November, 2021.



(M C Sonowal)
Deputy Director of Estates(Policy)
Tel. No.011-23062505

To

1. All Officers and Sections in the Directorate of Estates, Nirman Bhawan, New Delhi.
2. DD (A-I)/DD (A-II)/DD (Hostel)/DD (Region)- with a request to convey the decision to the concerned Kashmiri Migrants for compliance.
3. Joint Director, NIC, Directorate of Estates, Nirman Bhawan, New Delhi with the request to upload the OM on the website of the Directorate of Estates for information of all concerned.
4. Assistant Director(OL) for Hindi translation.
5. Eligibility Folder/Register