

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.17780 of 2009

Date: 26-10-2015

Between:

N. Ramesh Babu

.... Petitioner

AND

The Deputy Inspector General of Police,
Group Centre, Central Reserve Police Force,
Barkas, Hyderabad

.... Respondent

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.17780 of 2009

ORDER:

-

Heard the learned counsel for the petitioner, the learned counsel representing the learned Assistant Solicitor General and perused the record.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings No.A.II.8/2008-09 GCH,Bldg., dated 13-08-2009 as illegal and arbitrary and consequently to direct the respondents not to dispossess the petitioner from Quarter No.508, Type-I Special, GC, CRPF, Hyderabad.

The facts in issue are as under:-

The petitioner joined in the Central Reserve Police Force in the year 1991 and since then he was discharging his duties to the utmost satisfaction of authorities without any complaint against him. While the things stood thus, the respondent issued a charge memo No.P.VIII-6/2008-GCH-EC.II, dated 30-04-2009, which is as follows:

1. "That the said No.911164322 CT/GD N. Ramesh Babu of Group Centre, CRPF, Hyderabad, while functioning as such committed an act of misconduct in his capacity as a member of the Force punishable under Section 11 (1) of CRPF Act, 1949, in that when he was detailed to perform the duties of Writer in GC Cooperative shop on 02-06-2006, he fraudulently charged off a sum of Rs.15,079/- from GC Cooperative Fund Cash book and misappropriated the money, when he was detailed to perform the duties of Writer in GC Cooperative shop on 02-06-2006.
2. That the said No.911164322 CT/GD N. Ramesh Babu of Group Centre, CRPF, Hyderabad, while functioning as such committed an act of misconduct in his capacity as a member of the Force punishable under Section 11 (1) of CRPF Act, 1949, in that when he was detailed to perform the duties of Writer in GC Cooperative shop on 02-06-2006, he forged signature on the copy of the approve note sheet with the intention to misappropriate Rs.15,079/- from GC Cooperative fund, when he was detailed to perform the duties of Writer in GC Cooperative shop on 02-06-2006."

The averments further disclosed that the petitioner submitted his explanation to the said charges denying the same, but the authorities, without considering the said explanation, appointed an Enquiry Officer, who after conducting an enquiry submitted a report holding the petitioner guilty of the charges levelled against him. Against the said enquiry report, the petitioner submitted his explanation, but, without considering the same, imposed a punishment of compulsory retirement on the petitioner. The averments further disclose that the petitioner made a representation on 02-07-2009 requesting the authorities to continue him in the quarter bearing Quarter No.508, Type-I Spl, GC, CRPF, Hyderabad as his first son is studying 9th standard, second in 2nd standard and his daughter in Nursery in CRPF School. At the time of making such representation, the appeal filed by the petitioner against the orders of compulsory retirement was pending and subsequently, the said appeal was

rejected. Then, the petitioner filed W.P.No.16666 of 2009 questioning the order in appeal. Later, the respondent authority directed the petitioner to vacate the quarter by 31-08-2009 through proceedings No.A.II.8/2008-09 GCH.Bldg., dated 13-08-2009. The averments further disclose that the petitioner made a representation dated 02-07-2009 to the respondent authority requesting retention of quarters for one more year due to his children's education. Challenging the action of the respondent in ordering the petitioner to vacate the quarter, the present writ petition has been filed.

On 26-08-2009, this Court while issuing Rule Nisi, granted status quo as on that date. In pursuance of the status quo order passed by this Court, the petitioner is still in occupation of the said quarter.

A counter came to be filed disputing the averments made in the writ affidavit. It is stated that the petitioner was awarded punishment of "Compulsory retirement from service" with effect from 13-01-2009 vide orders of GC, CRPF, Hyderabad in P.VIII6/08.GCH.Estt.II, dated 13-01-2009 and in view of the same, he should have vacated the Government quarter immediately. But the petitioner is still occupying in the Government quarter even after completing the retention period of eight months applicable to normal retirement cases. The averments further disclose the rejection of the application of the petitioner seeking retention of the quarter for a period of one year on the ground of his children's education, as the retention period of eight months expired on 12-09-2009 itself. Hence, there is no option left to him except to vacate the premises forthwith.

A perusal of the material on record coupled with the averments made in the writ affidavit as well as in the counter would reveal that the representation dated 02-07-2009 made by the petitioner requesting for retention of the quarter for one year due to his children's education in Kendriya Vidyalaya, was rejected by the authorities on the ground that the eligible period of 8 months for retention of the Government quarter even after normal retirement expired long back. Pursuant to the interim order, the petitioner is still in occupation of the Government quarter in question. Though various grounds are raised in the writ affidavit, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondents to continue him in the subject quarter till completion of the academic year of his children, The same is opposed by the learned counsel for

the respondent contending that the petitioner is still in occupation of the premises though he has no authority to occupy the same, more so, when the appeal filed by him was also rejected.

Without going into the merits of the case and having regard to the facts in issue, the writ petition is disposed of directing the petitioner to vacate the premises i.e. Quarter No.508, Type-I Special, GC, CRPF, Hyderabad on or before 31-12-2015, failing which the respondent shall take all steps in evicting the petitioner from the said premises. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 26-10-2015

Ksn