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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : January 22, 2015

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W.P.(C) 6553/2013

PRAMOD KUMAR SINGH

..... Petitioner

Represented by: Ms.Saahila Lamba, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Represented by: Ms.Alka Sharma, Advocate with
Ms.Abha Malhotra, Advocate

CORAM:

HON'BLE MR. JUSTICE PRADEEP NANDRAJOG

HON'BLE MS. JUSTICE PRATIBHA RANI

PRADEEP NANDRAJOG, J. (Oral)

1. Relevant facts necessary to be noted for adjudication of the present petition are that the petitioner is working on the post of Sub-Inspector (Ministerial) in Central Reserve Police Force.
2. The petitioner was posted in the office of the Directorate General, CRPF at New Delhi in the year 2002. By virtue of his posting in Delhi the petitioner was allotted family Quarter No.4, Block No.40, Type-II, Group Centre, CRPF, Jharoda Kalan, New Delhi on September 23, 2002.
3. On March 20, 2008, the Directorate General, CRPF notified Central Reserve Police Force Family Accommodation Rules, 2008, as per which the maximum retention period of a family quarter by a Force Personnel is five years. However, the said Rules further prescribe that the maximum retention period of five years of a family quarter should not be made applicable to the personnel posted in North-East region and Jammu and Kashmir for the

period they remain posted in North-East region and Jammu and Kashmir. The Directorate General amended the CRPF Family Accommodation Rules, 2008 on April 24, 2008 and as per the amended Rules the maximum retention period of 5 years of a family quarter was not to be made applicable to personnel posted in North-East region, Jammu and Kashmir and Left Wing Extremist (hereinafter referred to as the “LWE”) areas for the period they remain posted in North-East region and Jammu and Kashmir and LWE areas. Thus, the position which emerges after the amendment of CRPF Family Accommodation Rules, 2008 is that the personnel posted in North-East region, Jammu and Kashmir and LWE areas can retain the family quarter allotted to them beyond the prescribed period of 5 years.

4. The Petitioner was transferred from Directorate General, CRPF, New Delhi to IGP, Central Sector, CRPF, Lucknow in the month of October, 2007. Thereafter, in the month of October, 2011 the petitioner was transferred from IGP, Central Sector, CRPF, Lucknow to 148 Battalion, CRPF deployed in a LWE area. Thus, in terms of amended CRPF Family Accommodation Rules, 2008 the petitioner could retain the family quarter allotted to him in Delhi beyond the prescribed period of 5 years on account of his posting in a LWE area.

5. The petitioner was given permission to retain the family quarter allotted to him till May 31, 2012.

6. On June 08, 2012 a signal was issued by the Directorate General, CRPF calling upon the petitioner to vacate the family quarter by June 15, 2012, else market rent would be charged from him for occupation of the quarter.

7. The petitioner submitted a representation to the competent authority requesting therein that he be allowed to retain the quarter up to the end of

the academic session 2012-2013 (till March, 2013) for the reasons:- (i) it is difficult for him to uproot his 2 sons who are studying in CRPF Public School, Rohini claiming that they are at a very crucial juncture of their academic career since they are studying in classes XII and XI; (ii) his father is 70% paralyzed and not able to take care of his routine needs without help; (iii) his mother is suffering from chronic cardiac and diabetes ailments and requires treatment from specialized hospitals in Delhi; and (iv) his wife has been suffering from ankle and waist problems for which she is undergoing treatment at Composite Hospital, CRPF, New Delhi.

8. The petitioner was given a hearing by his Commandant. After hearing the petitioner, the Commandant issued a signal dated August 27, 2012 informing the DIG, Group Centre that *'problems faced by the petitioner appear to be genuine and that the petitioner be permitted to retain the quarter till academic session 2012-2013 since personnel deployed in LWE area are entitled to retain govt. accommodation as per existing instructions.'* The said order was treated by the Commandant as also the petitioner as entitling him to retain the quarter till March 31, 2013. The DIG Group Centre did not right in response to the Commandant of the petitioner that the recommendation sent by the Commandant was rejected.

9. Soon after the end of academic session 2012-13, the petitioner vacated the family quarter allotted to him on June 07, 2013.

10. On August 26, 2013 the Directorate General, CRPF issued a signal requiring the petitioner to pay market rent/damages @ ₹7,599/- per month in respect of family quarter allotted to him for the period from June 01, 2012 to June 07, 2013. Needless to state, the respondents have treated the petitioner (family of petitioner) as an unauthorized occupant of family quarter allotted to him for the period from June 01, 2012 to June 07, 2013.

11. The petitioner has filed the present petition assailing the legality of action of the respondents requiring him to pay market rent/damages @ ₹7,599/- per month in respect of family quarter allotted to him for the period from June 01, 2012 to June 07, 2013.

12. The afore-noted conspectus of facts shows that the Commandant of petitioner had permitted the petitioner to retain the family quarter allotted to him till the end of academic session 2012-13 i.e. till March 31, 2013. The Commandant sent a communication to the DIG Group Centre, contents whereof have been noted by us in paragraph 8 above. As we have highlighted hereinabove, the DIG Group Centre did not respond rejecting the recommendation sent by the Commandant. Whilst it may be true that the DIG Group Centre did not accord an approval to the recommendation, but at the same time it cannot be glossed over that he did not reject the same, thereby giving birth to a legitimate expectation in the mind of the petitioner as well as the Commandant of the petitioner that he could continue to occupy the quarter as per terms of allotment till the end of the academic year 2012-13 i.e. March 31, 2013.

13. Once the petitioner was permitted by his Commandant to retain the family quarter till March, 2013, it was highly unfair on the part of the respondents to have treated the petitioner (family of petitioner) as being in unauthorized occupation of the quarter allotted to him for the period from June 01, 2012 to March 31, 2013.

14. This leaves us with a period of nearly two months from April 01, 2013 to June 07, 2013.

15. The petitioner vacated the family quarter allotted to him on June 07, 2013 i.e. nearly two months after the expiry of permission granted to him to retain the quarter by his Commandant.

16. It has been noted by us hereinabove that the parents and wife of the petitioner who were occupying the family quarter allotted to the petitioner were facing medical problems. Such being the position, the interests of justice require that the small delay of two months on the part of the petitioner and his family in moving out of the family quarter be condoned. We do so.

17. Accordingly, the present writ is allowed and impugned signal dated August 26, 2013 issued by Directorate General, CRPF is quashed.

CM No.14269/2013

Dismissed as infructuous.

(PRADEEP NANDRAJOG)
JUDGE

(PRATIBHA RANI)
JUDGE

JANUARY 22, 2015

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