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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 7925/2015 and CM No.16014/2015 and CM No.16015/2015
ANADI DAYAL Petitioner

Through: Mr Ankur Chhibber, Adv.

versus

UOI & ORS. Respondents
Through: Mrs Bharthi Raju, CGSC and
Mr B.K. Raut, Pairvi Officer, CRPF

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER
% **03.09.2015**

The petitioner's grievance is that he has not been permitted "out living" permission. According to the averments the petitioner's wife, initially staying with him in the residential accommodation in the Battalion, is at an advanced stage of pregnancy and on account of the respondents' orders has been constrained to move out. It is further submitted that since the petitioner's father is residing in Dwarka, he wishes to stay with his wife and parents. Respondents' contentions, on the other hand, are that being deployed on detachment duty, the petitioner's presence is virtually on call and that he was initially deployed for parliamentary security. It is stated that the operational unit of the battalion has already moved.

The petitioner has relied upon Operational Hand Book, 2001, particularly para 25.6, 3rd sub-paragraph to state that permission is not

required “at other places on detachment duty”. An exception is however made that the Commandant may by specific order ask any Gazetted Officer to keep his family at detachment and this is subject to further concurrence by the DIG.

Having considered the submissions and the facts of the case, the Court is of the opinion that the concerned DIG (Ops), New Delhi should decide the petitioner’s request for out living permission in accordance with the construction and rules governing the issue. The said decision shall be conveyed to the petitioner within two weeks.

The writ petition along with the pending applications is disposed of in the above terms.

Order *dasti*.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

SEPTEMBER 03, 2015

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