

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Civil Writ Petition No. 23060 of 2016
Date of Decision: 8.11.2016**

Raj Kumar

.....Petitioner

Vs.

Union of India and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Rajeev Anand, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Instant writ petition is directed against the order dated 17.10.2016 (Annexure P-19), whereby request made by the petitioner for extension of separate family accommodation, at this point of time, has been rejected whereas the petitioner is posted at Visakhapatnam which is Anti Naxalite Operation Area (Extreme Hard Area).

Notice of motion.

At this stage, Mr. Vivek Singla, learned Panel Counsel for UOI, appears and accepts notice on behalf of the respondents-caveator and fairly states that let the present writ petition be disposed of in terms of the order dated 20.9.2016 passed by this Court in CWP No. 19494 of 2016 (Ram Singh Vs. Union of India and others).

After hearing learned counsel for the parties at some length, however, without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Inspector General, HQ North West Frontier Indo-Tibetan Border Police, Force, Behlana, Chandigarh-respondent No.3 that if the

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petitioner approaches him by moving an appropriate and comprehensive representation within a period of two weeks from today, he shall consider the same dispassionately, appreciating the grievance raised by the petitioner which *prima facie* seems to be genuine. Petitioner or his representative shall be granted an opportunity of being heard and thereafter, an appropriate order shall be passed by the Inspector General, HQ North West Frontier Indo-Tibetan Border Police, Force, Behlana, Chandigarh-respondent No.3, strictly in accordance with law, at an early date.

Keeping in view the facts and circumstances of the case, including the posting of the petitioner at a distant place and his family is living in a separate family accommodation at Chandigarh, it is directed that if the Inspector General, HQ North West Frontier Indo-Tibetan Border Police, Force, Behlana, Chandigarh-respondent No.3 decides the matter against the petitioner, said order shall remain in abeyance for a period of three weeks, so as to enable the petitioner or his representative to challenge the same, in accordance with law. It is further directed that till the appropriate order is passed by respondent No.3 on the representation to be moved by the petitioner, the impugned order (Annexure P-19) shall not be implemented against the petitioner or his family members.

With the abovesaid observations made and directions issued, present writ petition stands disposed of.

8.11.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No