

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No.20721 of 2017
and
W.M.P.Nos.21549 and 21550 of 2017

R.Arockia Raj, H.C/GD.No.961330373,
Central Reserve Police Force Academy,
Kodarpur, GURGOAN,
Hariyana State.

... Petitioner

Vs.

1. The Union of India,
Rep by its Secretary to the Government,
Department of Home Affairs,
New Delhi.

2. The Director General,
Central Reserve Police Force,
C.G.O.Complex,
Lodhi Road, New Delhi.

3. The Additional Director General,
Central Reserve Police Force,
Office Academy, Kadarpur, Gurgoan,
Hariyana - 122 102.

4. The Inspector General,
Central Reserve Police Force,
Office Academy, Kadarpur, Gurgoan,
Hariyana - 122 102.

5. The Deputy Inspector General/
Estate Officer,
Central Reserve Police Force,
Group Centre, Avadi,
Chennai - 600 065.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Impugned Telex Message issued by the 5th respondent in No.A.II.1/2017-GC-(A) BLDG, dated 04.07.2017 and quash the same in so far as Item No.9 is concerned and to direct the respondents to permit the petitioner to retain the quarters No.2326 Type-II.A-Block, Group Centre, Avadi till May 2018 so as to enable the Daughter of the petitioner to complete the X Std at Chennai, without collecting any damage rent.

For Petitioner : Mr.M.MD.Ibrahim Ali

For Respondents : Mr.M.Sundaram
Additional Central Government
Standing Counsel(CGSC)

सत्यमेव जयते

ORDER

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The relief sought for in this writ petition is for a direction to permit the writ petitioner to retain the quarters No.2326 Type-II.A-Block, Group Centre, Avadi, by quashing the order of the 5th respondent dated 04.07.2017.

2. When the matter was listed for admission, this Court expressed its opinion that the Government Accommodation can never be claimed as a matter of right and the learned counsel appearing for the writ petitioner graciously submitted that his client will vacate the quarters on or before 15.09.2017. In view of the fair submission made by the learned counsel on behalf of the petitioner, this Court passed an interim order on 03.08.2017, granting permission for the writ petitioner to stay in the Government Quarters till 15.09.2017. The matter is listed today(22.08.2017) and the learned counsel for the writ petitioner stated that by virtue of the undertaking given by him, his client (the writ petitioner) had vacated the Government Quarters, occupied by him in Quarters No. No.2326 Type-II.A-Block, Group Centre, Avadi well before the date prescribed by this Court and Vacated the premises on 18.08.2017 itself. To that effect, an affidavit has also been filed by the writ petitioner on 19.08.2017.

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3. In view of the fair submission made by the learned counsel for the writ petitioner and the prompt vacation of the Government Quarters by the writ petitioner, this Court is inclined to consider the

claim of the writ petitioner for the waiver of the damages imposed by the respondents in this regard. This Court is aware that the Government Accommodation is a concession/facility provided to the public servant and the same cannot be claimed as a matter of right. However, the writ petitioner has acted promptly and in these circumstances, this Court is inclined to consider the limited claim of quashing the damages imposed by the respondent in proceedings dated 04.07.2017. The damages are imposed for the month of July, 2017 and August, 2017, totally Rs.24,800/- (Rupees Twenty Four Thousand and Eight Hundred only). In this view of the matter, the damages imposed on the writ petitioner for the month of July and August, 2017 stands quashed and the amount already recovered in this regard shall be reimbursed to the writ petitioner.

4. With this direction, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

22.08.2017

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Index : Yes/No

Internet : Yes/No

Speaking / Non-speaking order

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