

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14782 of 2017

N.Bhaskara Rao

Petitioner

-vs-

1. The Director General of Police
Directorate General, CRPF
CGO Complex, Lodhi Road
New Delhi 110 003

2. The Inspector General of Police
Southern Sector CRPF
Road No.10 C, Jubilee Hills
Near MLA/MPs Colony
Gayathri Hills
Hyderabad 500 033

3. The Deputy Inspector General of Police
Group Centre, CRPF
Avadi, Chennai 600 065

4. The Commandant
2nd Signal Battalion
GC, CRPF, Chandrankutta
Hyderabad 500 005

Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 01.03.2017 issued by the third respondent in proceedings No.A.II.04/2017-GCA-Bldg and his consequential order dated 05.04.2017 in proceedings No.A.II-1/2017-GC-(A) Bldg. for vacation of family quarter and recovery of damage rent at the rate of Rs.12,400/- from the salary of the petitioner from the date of 01.05.2017 and quash the same in petitioner concerned and retain him in the family Quarter No.2130, Type-II, C-9 Block in GC CRPF Campus for till his posting out from Jammu & Kashmir.

For Petitioner :: Mrs.R.Meenakshi

For Respondents :: Mrs.S.Meenakumari
 Central Government
 Standing Counsel

ORDER

The order dated 1st March, 2017 issued by the third respondent as well as the consequential order dated 5th April, 2017 directing the writ petitioner to vacate the family quarters is under challenge in this writ petition.

2. The learned counsel for the writ petitioner contended that the writ petitioner is staying in the family Quarters No.2130, Type-II, C-9 Block, Group Centre, CRPF, Avadi and continuing in the same and now the children of the writ petitioner are studying nearby Avadi and therefore the writ petitioner should be allowed to continue in the same quarters at least for about one year and thereafter the writ petitioner will vacate the same. In support of the contention, the writ petitioner has cited a letter issued by the Directorate General of Central Reserve Police Force in proceedings dated 28th July, 2009 stating that the maximum retention period of 05 years on posting to J&K/NE region/LWE areas as per rule 5(25) of CRPF Family Accommodation Rules, 2008 is withdrawn and all such personnel may be allowed to retain the family quarters till their actual posting in these areas.

3. The learned Central Government Standing Counsel appearing for the respondents opposed the contention by stating that the writ petitioner occupied

the Government accommodation in Quarters No.2130 on 10.10.2007 and continuing in the same quarters for the past about ten years and the further continuance of the writ petitioner in the quarters will affect the right of other co-employees and other personnel posted in Chennai. Thus, the writ petitioner has to vacate the Government quarters without any further delay.

4. Allotment of quarters by the Government is a concession and facility given to the Government employees. Quarters or Government accommodation can never be claimed as a matter of legal right by the public servants. Allotment of Government accommodation is always subject to availability and other conditions prescribed by the employer. Facilities or concessions will not confer any right on the employees and it is to be decided by the competent authorities based on the needs and other aspects of the matter. The long continuance of one employee in a public quarters will affect the right of other employees, since the CRPF being a uniformed disciplined force has to make arrangements to the other serving personnel in a particular locality. Thus extension of time for one employee will have a repercussion in respect of other employees, who are posted at Avadi, Chennai. Thus, allotment of quarters and further continuance of one employee will have greater implications and repercussions. The competent authorities have to consider all these aspects and to adopt a balanced procedure in order to give equal opportunity to all the employees and follow the procedures in this regard. The learned counsel for the writ petitioner has only cited the instructions or guidelines issued in this regard. Even in the said instructions, it is

stated that all such personnel may be allowed to retain the quarters. Therefore, this Court is of the firm opinion that such instructions or guidelines issued by the Directorate in this regard will not confer any legal right on the writ petitioner. The instructions or guidelines are issued for the subordinate officials to adopt an uniform procedure in the matter of allotment of Government accommodation. Such instructions are to be followed only by the subordinate officials considering the facts and circumstances of each case and therefore such instructions cannot be equated with the statutory rules so as to confer any legal right on the writ petitioner. Non-adherence of the instructions or guidelines issued in this regard cannot be a ground to move this writ petition under Article 226 of the Constitution of India. The Government accommodation/quarters being a facility/concession extended to the employees, it is for the competent authorities to consider the personal grievances of the employees and take a decision in this regard. It is left open to the writ petitioner to put forth all his personal grievance to the competent authorities and it is for the authorities to take a decision by considering the plight of other employees in this regard. The Constitutional Court cannot interfere with the day-to-day administration of the department. In the event of interference in the allotment of Government quarters, it will create chaos in the administration and it is for the competent authorities to decide who have to be accommodated in the Government quarters. Thus, this Court is of the firm view that the allotment of quarters is the prerogative of the department and the Courts have got only little scope to interfere. A judicial review in this regard may be undertaken only in the event of violation of any statutory rules or from

the allegations of certain malpractices or corrupt activities. In the absence of any of these irregularities, the power of judicial review in this regard is absolutely limited and the same can be exercised only on exceptional circumstances.

5. In this view of the matter, this Court is not inclined to consider the grounds and other personal grievance set out in this writ petition. Accordingly, the writ petition is devoid of merits and thus stands dismissed. Consequently, W.M.P.Nos.16031 & 16032 of 2017 are also dismissed. However, no order as to costs.

Index : yes/no

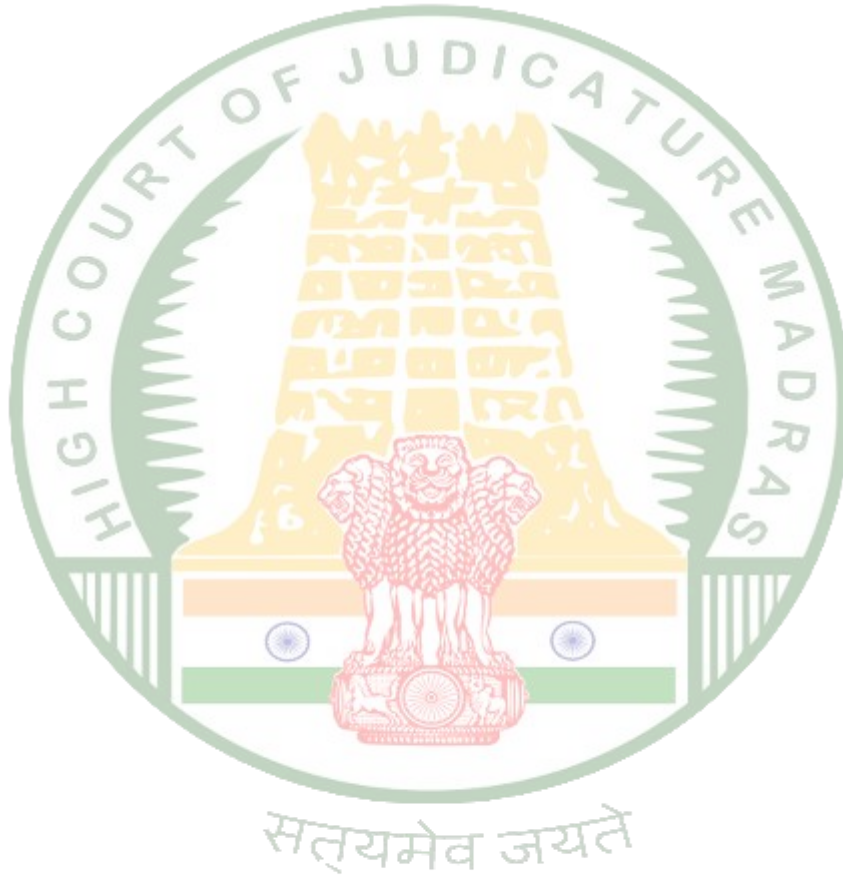
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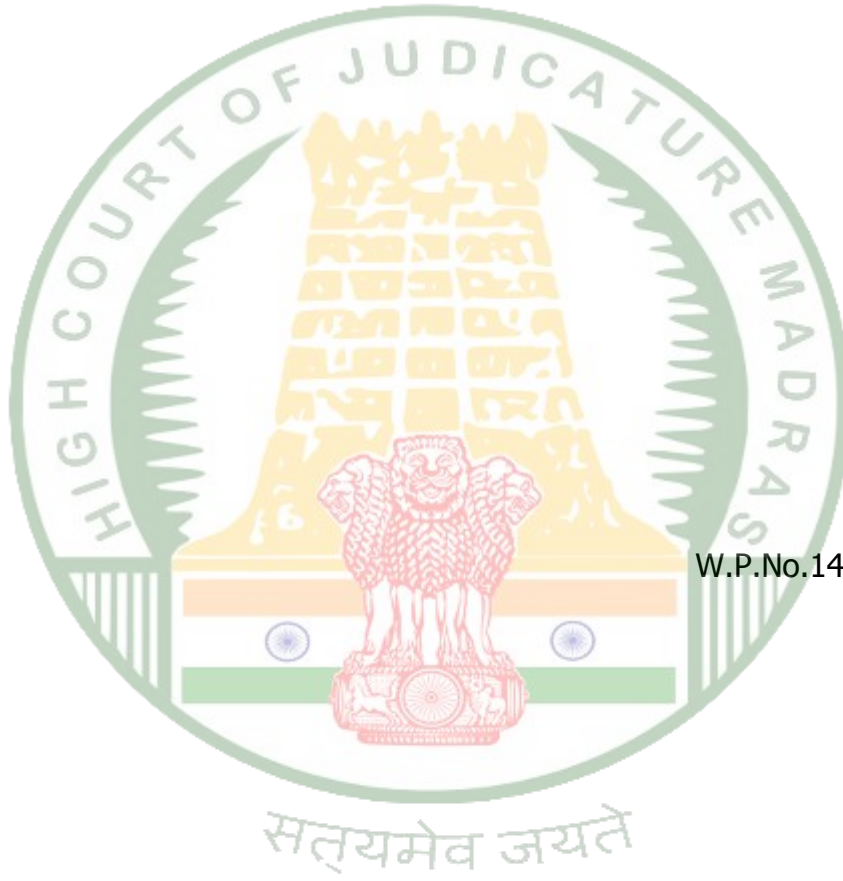
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