

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.18184 of 2019

and

W.M.P. Nos. 17547 and 17548 of 2019

V.Muruganathan

... Petitioner

Vs

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

2.The Inspector General of Police,
Souther Sector CRPF,
Road No.10C, 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,
173 Bn, CRPF, Air Field,
Dimapur,
Nagaland.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 03.06.2019, issued by the third respondent in proceedings No.A.II-04/2019-20-GCA-Bldg. to vacate the family quarters and recovery of damage rent at the rate of Rs.18,800/- from petitioner's salary from the date of 01.06.2019 and quash the same in petitioner concerned and retain the petitioner in the family Quarter No.319 Type-III, A Block in GC CRPF Campus till his posting out from Nagaland.

For Petitioner

: Ms. R.Meenakshi

For Respondents

: Mr. V.Ashok Kumar, CGSC
for RR-1 to 4

O R D E R

The present petition has been filed to quash the proceedings in No.A.II-04/2019-20-GCA-Bldg. directing the petitioner to vacate the family quarters and to pay damage rent at Rs.18,800/- from petitioner's salary from 01.06.2019 and further to permit the petitioner to retain the family Quarter No.319 Type-III, A Block in GC CRPF Campus till his posting out from Nagaland.

2. The case of the petitioner is that he is presently working as Inspector (Ministerial) in 173 Battalion, CRPF, Air Field, Dimapur, Nagaland. The family of the petitioner is residing in Quarter No.319, Type-III A Block, Group Centre, CRPF, Avadi, Chennai - 600 065 and the said quarters was allotted when he was posted in Group Centre, CRPF, Avadi, Chennai. The 3rd respondent directed the petitioner to vacate the above said family quarters and also ordered for recovery of damage rent at the rate of Rs.18,800/- per month from 01.06.2019 or the date of eviction of the petitioner from the said quarters, whichever is earlier. Eviction proceedings against him is being contemplated vide order No.A.II-I/2019-20-GC-A-Bldg dated 03.06.2019. Challenging the said order dated 03.06.2019, the petitioner has preferred the present petition.

3. Learned counsel appearing for the petitioner submits that the petitioner is serving in the North East Region and as per clause 'D' of the proceedings of the 1st respondent dated 28.7.09, any person working in Jammu & Kashmir/North East region/Left Wing Extremists (LWE) affected area can retain the quarters. Learned counsel for the petitioner further brought to the notice of the court the subsequent proceedings of the 1st respondent dated 30.11.2015, wherein, in sub-clause 'B' of Para-27, it is found mentioned that 'Retention of family quarters on transfer to J&K, LWE and NE Region is permitted at Group Centre location only'. Pointing out the above, it is the submission of the learned counsel appearing for the petitioner that since the petitioner is working in Group Centre location, he is entitled to retain the quarters and, therefore, prayed for the relief supra.

4. The learned Central Government Standing Counsel appearing for the respondents, concurs with the contention of the petitioner and submits that persons working in North East region are entitled to retain the family quarters till his service/posting in the Jammu & Kashmir/North East region/Left Wing Extremists (LWE) affected area.

5. This Court heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record to which this Court's attention was specifically drawn.

6. Similar issue was considered by a Division Bench of this Court in W.A. No.1302 of 2017 and the Division Bench, taking into consideration the facts and circumstances as also the various circulars and proceedings, ordered as under:-

"...7. The matter of security to the nation has got its own significance and it cannot be denied or ignored that the CPMFs personnel deputed at hypersensitive areas have to discharge their duties in protecting the nation at the risk of their lives, however, with peace of mind and without getting disturbed by their household affairs. Certainly, they cannot be equated with regular Government employees. Therefore, it is the bounden duty of the Government to extend larger benefits to them so that they could feel free from such things and serve the nation with devotion. This alone could be the scope underlying the above concession shown by the Government of India. Denial of such benefits to the appellant/writ petitioner and thereby dislocating his family would not be fair on the part of the respondents. Even on technicalities, the retention of the quarters cannot be treated as one stream and as long as deemed by the authorities to treat it as unauthorised one, as we find that the appellant had been serving in Poonamallee, Chennai from October 2011 to April 2015 and the present tenure at Jammu & Kashmir is only from May 2015 which is also going to end, probably by the year 2018. Therefore, the authorities have to be reasonable with some balance of convenience in allotting the quarters or shuffling the same among the CPMFs Personnel depending upon their family circumstances.

8. Therefore, while setting aside the orders passed by the learned Single Judge as well as the orders impugned in the writ petition, we direct the respondents to extend the retention period of the quarters occupied by the appellant/his family members till the completion of the present course of education by the wards of the appellant or as long as the appellant is posted at hypersensitive areas whichever is later, or else, if the respondents are still on mere technicalities, they can consider transferring the appellant/writ petitioner to the Souther Region considering his past services at various hypersensitive places and thereby the necessity to evict his family members from the quarters presently occupied by them should not arise."

7. The facts in issue in the present case are identical to

the issue in the above cited decision, which is squarely applicable to the case on hand. In such circumstances, this Court is of the considered view that the petitioner is entitled to retain his quarters till such time the services of the petitioner are utilised in Jammu & Kashmir/North East region/Left Wing Extremists (LWE) affected area, subsequent to which the petitioner shall vacate the quarters.

8. In the result, the writ petition stands allowed with the following observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn/GLN

To

- 1.The Director General of Police,
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CGO Complex, Lodi Road,
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- 3.The Deputy Inspector General of Police,
Group Centre, CRPF,
Avadi, Chennai - 600 065.
- 4.The Commandant,
173 Bn, CRPF, Air Field,
Dimapur, Nagaland.

+lcc to Mr.V.Ashok Kumar, Advocate, S.R.No. 96488
+lcc to Mr.R.Meenakshmi Advocate, S.R.No. 95988

W.P. NO. 18184 OF 2019

RLD(CO)
GN(20/10/2020)