

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.10.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.30311 of 2019
and
W.M.P.Nos.30297, 30299 & 30301 of 2019

M.M.Raj

.. Petitioner

Vs.

- 1.The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodi Road,
New Delhi - 110 003.
- 2.The Special Director General of Police,
South Zone HQR., GC, CRPF,
Chandrakutta, Hyderabad - 500 005.
- 3.The Inspector General of Police,
Southern Sector, CRPF,
Road No.10 C, Jubilee Hills,
Near MLA/MPs Colony,
Gayathri Hills,
Hyderabad - 500 033.
- 4.The Deputy Inspector General of Police,
Group Centre, CRPF,
Bhubaneswar, Odisha.
- 5.The Deputy Inspector General of Police,
Group Centre, CRPF,
Avadi, Chennai - 600 065.

.. Respondents

Prayer: Writ 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 21.02.2019 issued by the 5th Respondent in proceedings No.A.II-04/2018-19-GC-A-Bldg. and order dated 25.09.2019 of 2nd Respondent in proceeding No.A.II.1/2018-19-SZ-Works for vacation of family quarter and recovery of damage rent at the rate of Rs.12,400/- p.m from petitioner's salary from the date of 01.02.2019 and quash the same and retain the petitioner in the family Quarter No.2346 Type-II, B Block in GC CRPF Campus till

his posting out from Rayagada District, Odisha (Left Wing Extremists affected Area).

For Petitioner : Ms.R.Meenakshi
For Respondents : Mr.V.Ashok Kumar
AGSC

O R D E R

This Writ Petition is filed for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 21.02.2019 issued by the fifth respondent in proceedings No.A.II-04/2018-19-GC-A-Bldg. and order dated 25.09.2019 of second respondent in proceeding No.A.II.1/2018-19-SZ-Works for vacation of family quarter and recovery of damage rent at the rate of Rs.12,400/- p.m from petitioner's salary from the date of 01.02.2019 and quash the same and retain the petitioner in the family Quarter No.2346 Type-II, B Block in GC CRPF Campus till his posting out from Rayagada District, Odisha (Left Wing Extremists affected Area).

2. The case of the petitioner is that the petitioner is presently working as Inspector (Ministerial) in 8th Battalion, CRPF, Muniguda, Rayagada District (Odisha) which is Left Wing Extremists (LWE) affected area. The family of the petitioner is residing in Quarter No.2346, Type-II (Block B-23), Group Centre, CRPF, Avadi, Chennai - 600 065 and this was allotted when he was posted in Group Centre, CRPF, Avadi, Chennai. The fifth respondent directed the petitioner to vacate the above said family Quarter and also ordered for recovery of damage rent at the rate of Rs.12,400/- per month from 01.02.2019 till vacate the Quarter or the date of his eviction whichever is earlier. Eviction proceedings against him is being contemplated vide order No.A.II-4/2018-19-GC-A-Bldg dated 21.02.2019. Challenging the said order dated 21.02.2019, the petitioner has come out with the present Writ Petition.

3. The learned counsel for the petitioner would submit that the petitioner is serving in the Left Wing Extremists (LWE) affected area and if a person is working in Jammu & Kashmir / North East region / Left Wing Extremists (LWE) affected area can retain the quarters as per clause 'D' of the proceedings of the first respondent dated 28.07.2009 and subsequently the proceedings of the first respondent dated 30.11.2015 in paragraph No.27 Sub-Clause 'B' it has been mentioned that Retention of family quarters on transfer to J&K, LWE and NE Region is permitted at Group Centre location only. Since the petitioner is working in Group Centre location, he is entitled to retain the quarters and prayed for allowing the Writ Petition.

4. The learned Central Government Standing Counsel appearing for the respondents would submit that the petitioner is working in Left Wing Extremists (LWE) affected area and when a person is working in Left Wing Extremists (LWE) affected area is entitled to retain the family quarters till his service in the Jammu & Kashmir / North East region / Left Wing Extremists (LWE) affected area are over. In view of the above, the Writ Petition may be disposed of.

5. Considering the facts and circumstances of the case, a similar issue was considered by a Division Bench of this Court in W.A.No.1302 of 2017 and the relevant portion of the judgment is extracted below:

"...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 length 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 Southern 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."

In view of the above judgment passed by the Division Bench of this Court in a similar issue, the petitioner is entitled to retain his quarters till his services in Jammu & Kashmir / North East region / Left Wing Extremists (LWE) affected area are over and after his services were over in Jammu & Kashmir / North East region / Left Wing Extremists (LWE) affected area, the petitioner has to vacate the quarters.

6. In the result, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (Cj conf)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

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To

1. The Director General of Police,
Directorate General, CRPF,
CGO Complex, Lodi Road,
New Delhi - 110 003.
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5.The Deputy Inspector General of Police,
Group Centre, CRPF,
Avadi, Chennai - 600 065.

+1cc to M/S.R.Meenakshi , Advocate SR.No. 90233
+1cc to Mr.V.Ashok kumar , Advocate SR.No. 90510

W.P.No.30311 of 2019

A.SK(24/01/2020)



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