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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8696/2018**

AC/M JITENDRA NARAYAN SINHA AND ORS. Petitioners
Through Mr. Ankur Chhibber, Advocate

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. Ajay Digpaul, CGSC and Mr.
Aaryan Verma, Advocates for
Respondent No.1 & 5/UIO
Mr. Anil Dabas, Sr. Panel counsel
with Mr. Praveen Kumar, Advocates
for Respondents No.2,3 & 4 with
Mr. R.N.Pareek, P/Officer, CRPF

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

% **ORDER**
18.11.2019

1. The present petition has been filed by nine Petitioners. All of them are officers of the Central Reserve Police Force ('CRPF') posted in the Office of the Inspector General of Police (IGP), Northern Sector, CRPF, West Block. The issue is about accommodation being provided to the Petitioners.

2. Relevant to the prayers in the present petition, the facts to be noticed are that on 3rd October, 1969 the Respondents issued an Office Memorandum (OM) wherein the conditions declaring an office eligible for General Pool Residential Accommodation ('GPRA') in Delhi were prescribed. These read

as under:

- “a) Their location in Delhi has been approved by the Cabinet/CCA.
- b) They are part and parcel of the Secretariat of a Ministry or an attached or subordinate office of a Ministry or a department.
- c) Their staff is paid from the consolidated fund of India.
- d) They have not got any separate pool of accommodation for their staff; and
- e) They are situated within the municipal limits of the NCT of Delhi.”

3. On 17th February, 2005 another OM was issued prescribing the eligibility for various officers of para-military forces for benefits under the GPRA. In terms thereof, only the employees of the Headquarters (HQ) of the said para-military forces were made eligible for benefits under the GPRA. The Petitioner submits that this OM was contrary to the OM dated 3rd October, 1969 which laid down the eligibility conditions for an officer to be able to enrol himself for grant of GPRA. Despite this, the officers of the CRPF were held to be not eligible to enrol under the GPRA.

4. By its OM dated 17th February, 2005 the Ministry of Urban Development, MOUD, Director of Estates (DE) had taken a categorical stand that only the HQ of the para-military forces have been provided with an offer to apply for allotment under the GPRA. By a letter dated 22nd March, 2005 the Director of Estates modified the OM dated 17th February, 2005 and allowed for the enrolment of personnel posted in the office of the Signal Training School of BSF at Tigri to be eligible for applying for allotment of GPRA and thereby granted an eligibility code. It is further pointed out that on 28th June, 2005 all other officers of BSF situated in Delhi and personnel similarly placed as those of CRPF were allowed the benefit of enrolling for allotment of GPRA

at Delhi.

5. The Petitioners contend that despite their fulfilling the criteria they were not made eligible to apply for GPRA, whereas officers of the BSF, similarly situated as the Petitioners, have been given the benefit.

6. Indeed the reasons given by the Respondents for rejecting the request is to say the least, quite strange. While on the one hand it is contended that there is no automatic entitlement for allotment of GPRA and reliance is placed on clause 4 of the CGPRA Rules, 2017. It is stated that the officers in the present case do not fulfil the requirement of Rule 4 (b) of the relevant rules extracted hereinbefore.

7. This cannot be true as Rule 4(b) was never in doubt. Indeed, the Petitioner's organisation is part and parcel of the Secretariat of a Ministry or a subordinate office of a Ministry/Department of the Government of India.

8. The Court fails to see how this Rule is attracted at all. The real reason appears to be shortage of accommodation and the fear that once allotted the officer will somehow retain the allotment even if he is transferred.

9. The problem therefore lies elsewhere and not with those eligible for allotment. It is the Respondent which has to put its administration in order to ensure that upon transfer, the officer concerned vacates the flat allotted to him. It would be no good an excuse to deny accommodation to the Petitioners who are currently serving and have been making repeated

representations to the Respondents, but in vain.

10. As regards the figures of shortage of housing available in the general pool in Delhi, again this cannot be a sufficient excuse to deny the benefit to the Petitioners while granting the same to other similarly located.

11. The Court is therefore not satisfied that sufficient grounds exist for the Petitioners to be denied accommodation. In that view of the matter, the impugned orders dated 17th February, 2005 and 28th April, 2017 issued by the CRPF making only those working in the HQs to be eligible for allotment of GPRA is hereby quashed. A mandamus is issued that all other officers of the CRPF situated in Delhi fulfilling the requirements of OM dated 3rd October, 1969 shall be entitled to apply for GPRA. Each such office should be issued a separate allotment code so that the Petitioners can apply for allotment under the GPRA.

12. The petition is allowed in the above terms but in the circumstances, with no order as to costs.

S.MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 18, 2019

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