

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12667 OF 2013

Sk. Taffique Hossen

Petitioner

Mr. Smruti R. Mohapatra, Advocate

-versus-

***Deputy Inspector General of Police-
cum-Estate Officer, Bhubaneswar***

.... Opp. Party

Mr. Satyabrata Panda,
Central Government Counsel

**CORAM:
JUSTICE K.R. MOHAPATRA**

**ORDER
27.04.2022**

Order No.

6. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the order dated 22nd May, 2013 (Annexure-4), whereby notice was issued directing him to vacate Quarter No.80, Type-II at Group Centre, CRPF, Bhubaneswar.
3. Mr. Mohapatra, learned counsel for the Petitioner submits that at present the Petitioner is posted at Unit-219 Bn. Jammu and Kashmir/North-East Region. As such, the Petitioner is entitled to retain the Quarters at Bhubaneswar till his continuance either in Jammu and Kashmir or in LWE area. Hence, he prays for setting aside the notice under Annexure-4 and to allow the Petitioner to retain the Quarters at Bhubaneswar during his continuance in the said areas.
4. Mr. Panda, learned Central Government Counsel objecting to the same submitted that as per Rule-7 (2) of the CRPF Act, 1949, every member of the Force shall have to serve anywhere in India. Considering this aspect, a transfer policy was formulated in Standing Order No.10 of 2001, which inter alia,

stipulates that normal tenure of posting in a Group Centre should not be more than four years with an aim and object that maximum personnel get at least one chance in the entire service career to serve nearest to their home town. Accordingly, the Petitioner after his tenure at Group Centre was transferred. Considering the fact that the Petitioner was transferred to a distract area, he was allowed to retain the Quarters for three years in terms of the CRPF Accommodation Rules, 2008. After completion of such period, the Petitioner submitted an application for extension the said period which was turned down by the House Management Committee. In that view of the matter, the Petitioner is not entitled to retain the quarters.

5. It is his submission that due to paucity official Quarters, the CRPF personnel posted at Group Centre, Bhubaneswar could not be given Family Quarters. Since the Petitioner has stayed in the Quarters for more than eight years after his transfer, he is no more entitled to retain the same. Accordingly, he prays for dismissal of the writ petition.

6. Taking into consideration the submission of Mr. Mohapatra, learned counsel for the Petitioner, this Court vide order dated 12th June, 2013 while issuing notice in the matter had stayed operation of the eviction dated 22nd May, 2013 till the next date of posting. The said interim order is continuing till date.

7. On consideration of the material on record and on perusal of the CRPF Accommodation Rules and Guidelines framed thereunder, it is clear that the CRPF personnel who is posted at Jammu and Kashmir or in LWE area can retain the Quarters up to seven years and not beyond that. Since the Petitioner has

occupied the Quarters for more than eight years after his transfer, he is not entitled to occupy the same any more.

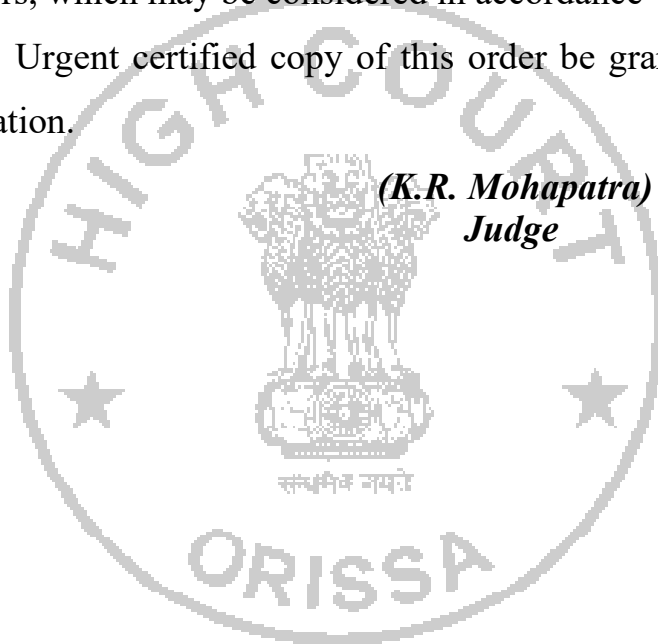
8. Accordingly, I find no substance in the submission of learned counsel for the Petitioner. As such, the writ petition is dismissed.

9. The interim order dated 12th June, 2013 passed in Misc. Case No. 11911 of 2013 stands vacated.

10. However, the Petitioner may file an application before the Authority to grant him reasonable time to vacate the said Quarters, which may be considered in accordance with law.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge



ms