

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9302 of 2022

Pratima Nayak

..... Petitioner

Mr. Sameer Kumar Das, Advocate

-versus-

Union of India and others

..... Opp. Parties

Mr. Debasis Satapathy,
Central Government Counsel

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

22.04.2022

Order No.

1. This matter is taken up through Hybrid mode.
2. Petitioner who is wife of an employee of Central Reserve Police Force (CRPF), namely, Digambar Nayak, in this writ petition seeks to assail the order/notice dated 31st March, 2022 (Annexure-3) issued by the Director General-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar (OP No.3) directing the husband of the Petitioner along with others to vacate their respective family quarters allotted to them in the said Group Centre at Bhubaneswar.
3. Mr. Das, learned counsel submits that husband of the Petitioner is posted at Purilia, West Bengal which comes under the Left Wing Extremist (LWE) area, i.e., Maoist area. Thus, in view of Clause-27 (b) of the guidelines for allotment and occupation of family quarters in CRPF Group Centers issued by Director of Central Reserve Police Force, New Delhi on 30th November, 2015 (Annexure-2), he is entitled to retain the quarters during his continuance in LWE area. Clause-27 of the Guidelines (supra) reads as under:-

“27. Keeping in view educational prospects of the wards of force personnel and other peculiar family problems being face by them, initial period of allotment of CRPF quarter will be 03 years extendable up to 05 years by the GCOs and 07 years by Sector IsG and beyond it by ADG/SDG in extreme special circumstances.

*xx xx xx
(b)Retention of family quarters on transfer to J&K, LWE and NE Region is permitted at Group Centre location only”*

Although husband of the Petitioner has occupied Family Quarters bearing No.429/T-II, Block-39, Group Center, CRPF, Bhubaneswar in the year 2011, but in view of Clause-27 of the aforesaid guidelines, he is required to retain the said quarters beyond seven years due to his placement at LWE region. It is his contention that children of the Petitioner are pursuing their studies at Bhubaneswar. Hence, the Petitioner entitled to occupy the aforesaid quarters at CRPF Group Center at Bhubaneswar. In that regard, he (husband of the Petitioner) has submitted a representation to the Deputy Inspector General of Police, CRPF, Group Center at Bhubaneswar on 6th April, 2022 (Annexure-5), but without considering the same, he is being compelled to vacate the said quarters within fifteen days of issuance of notice under Annexure-1. In that view of the matter, he prays for a direction to set aside the said notice and to allow husband of the Petitioner to occupy the official accommodation till a decision is taken on the representation submitted under Annexure-5.

4. Mr. Satapathy, learned CGC appearing for CRPF submits that due to paucity of official accommodation and in view of provisions of CRPF Family Accommodation Rules, husband of the Petitioner is not entitled to occupy the official

quarters beyond seven years. Admittedly, husband of the Petitioner has occupied the aforesaid family quarters since 2011. Thus, he is under obligation to leave the said official quarters at Group Center at Bhubaneswar so that others can be allotted with the same as per entitlement. It is his submission that against the order of vacation of official quarters, the Petitioner has remedy of appeal. As such, the writ petition is not maintainable.

5. Taking into consideration the rival contentions of learned counsel for the parties and that representation of the Petitioner's husband under Annexure-5 is still pending for consideration before the Opposite Party No.3, he is directed to consider the same as expeditiously as possible, preferably within a period of one month from the date of production of certified copy of this order, which shall be produced within seven days hence.

5.1 Till a decision is taken on the representation under Annexure-5, no coercive measure shall be taken for eviction of the Petitioner from family quarters bearing No. 429/T-II, Block-39, Group Center, CRPF, Bhubaneswar, if not evicted in the meantime.

6. With the aforesaid observation and direction, the writ petition is disposed of.

7. A free copy of this order shall be made available to Mr. Satapathy, learned CGC for communication and compliance.

Issue urgent certified copy of the order on proper application.