

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 9675 OF 2019

Debasis Sethy

Petitioner

Mr. S.K. Ojha, Advocate

-versus-

Union of India and others

.... Opp. Parties

Mr. Gyanaloka Mohanty,
Senior Panel Counsel,
Central Government

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

17.05.2022

Order No.

7. 1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice dated 17th May, 2019 (Annexure-2) issued by the Deputy Inspector General of Police, Group Centre, CRPF, Bhubaneswar, Odisha directing the Petitioner to vacate the Government Quarter No.585, Type-II at Group Centre, Bhubaneswar.
3. Mr. Ojha, learned counsel for the Petitioner submits that the Petitioner was allotted with the Government Family Quarter No.585, Type-II vide order dated 20th December, 2012 on compassionate ground as he was suffering from kidney failure. A notice of similar nature, as that of the impugned notice under Annexure-2, was also issued to the Petitioner on 7th February, 2015. Assailing the same, the Petitioner along with others had filed W.P.(C) No.4722 of 2015 before this Court. During pendency of the said writ petition, the CRPF, Bhubaneswar filed Misc. Case No.4022 of 2016. Paragraphs-3, 4 and 5, which are relevant for our discussion, reads as under;

“3. That, in the meantime a clarification has been received by the opp. Parties wherein it is intimated that as per the guideline for allotment and occupation of

family quarters in CRPF, 2015 issued vide letter dated 30.11.2015 of para-C(1) that family accommodation will be allotted to the personnel who are posted in particular offices institution/Group Centre, its affiliated units/ attached company/attached signal platoons/engineering wing and other offices located in the same campus.

4. That, in view of the above the petitioners are eligible to retain their allotted family accommodation in the Group Centre till posted 3/E Signal Bn which is deployed inside Group Centre Campus, Bhubaneswar.

5. That, since the grievance of the petitioner has already been mitigated, nothing remains to be decided in the present writ application. Therefore, the writ application becomes infructuous.”

Considering such submission, this Court disposed of the Misc. Case as well the writ petition vide order dated 4th October, 2016 with the following order:

“Heard learned counsel for both the parties.

Taking into consideration the averments made in paragraphs 3, 4 and 5 of the aforesaid Misc. Case petition to the effect that the petitioner is entitled to retain the allotted family-accommodation in the Group Centre of the CRPF and his grievance has already been mitigated in the meantime, the present writ petition has become infructuous. Accordingly, the writ petition i.e. W.P.(C) No.4722 of 2016 is dismissed as infructuous on the basis of averments made by the opposite parties in the aforesaid Misc. Case.

The Misc. Case is accordingly disposed of.”

After disposal of the said writ petition, the impugned notice under Annexure-2 has been issued. It is the case of the Petitioner that at the time of initial allotment of the Quarter in question, there was no rule for allotment of Quarter to the signal personnel in Group Centre, Bhubaneswar. However, on introduction of Guidelines for Allotment and Accommodation of Family Quarters in the Central Reserve Police Force, 2015 (for short ‘the Guidelines’) issued by the Directorate General, Central Reserve Police Force, New Delhi

on 30th November, 2015 under Annexure-5, the Petitioner became eligible to retain the quarter. Clause (1) of the Conditions and General Rules of the said Guidelines, which is relevant for our consideration, reads as follows:

“1. Family accommodation will be allotted to the personnel who are posted in particular Offices/Institution/GC, its affiliated Units/attached coys/attached signal platoon/engineering wing and other Offices located in the same campus (entitled category).”

He, therefore, submits that taking into consideration the averments made in Misc. Case No.4022 of 2016 filed in W.P.(C) No.4722 of 2015, Clause-1 of the Guidelines as at Annexure-5, the Petitioner is entitled to retain the Government family quarter during his continuance at Group Centre, Bhubaneswar. He, therefore, prays for setting aside the impugned notice under Annexure-2 and to issue direction to the Opposite Parties to allow the Petitioner to retain the Government Family Quarter till his continuance at Group Centre, Bhubaneswar.

4. Mr. Mohanty, learned Senior Panel Counsel for the Central Government appearing for the CRPF does not dispute the factual position. He, however, submits that taking into consideration the ailment of the Petitioner, he was initially allotted with Government Family Quarter in question for a period of three years on compassionate ground. Period of such allotment was never extended. No doubt, Clause-1 of the Conditions and General Rules of the Guidelines, 2015 makes the Petitioner eligible to be considered for allotment/retain the quarter in the Group Centre, Bhubaneswar. But, he has to make an application to that effect, which will be considered in accordance with law. Due to paucity of quarters at Group Centre, Bhubaneswar and

there are large number of eligible allottees in queue seeking for allotment of Government Family Quarter (which was 1215 at the time of filing of the counter affidavit), the Petitioner's case is to be considered along with other eligible allottees, if an application is made to that effect. He, therefore, submits that since the Petitioner has not made any application for extension of period of allotment of Government Family Quarter in question, the impugned notice under Annexure-2 has been issued as per the rules. As such, the writ petition merits no consideration and is liable to be dismissed.

5. Taking into consideration the rival contentions of learned counsel for the parties and on perusal of the record, this Court finds that the Petitioner being a signal personnel is eligible for allotment of a Government Family Quarters in Group Centre, Bhubaneswar during his continuance at the said Group Centre. The impugned notice under Annexure-2 clearly discloses that the Petitioner was allotted with Government Family Quarter in Group Centre, Bhubaneswar for a period of three years on compassionate ground. As submitted by Mr. Mohanty, learned Senior Panel Counsel, it is clear that the Petitioner has not made any application either for extension or renewal of such allotment. It also appears from the averments made at Paragraph-4 of Misc. Case No.4022 of 2016 that the Petitioner is eligible to retain the allotted family accommodation during his continuance in the Group Centre, Bhubaneswar. Retention of Government Family Quarter at the Group Centre beyond the period of allotment is not automatic. If the Petitioner needs the said quarter beyond the period of allotment, he has to make an application to that effect, which will be considered along with eligible personnel in

accordance with the prevailing rules. It appears that the Petitioner has misconstrued his 'eligibility' to be his 'entitlement' to retain the quarter in question.

6. In the instant case, admittedly the Petitioner has not made any application for extension/retention of the Government Family Quarter allotted in his favour which was for a period of three years only. Hence, this Court finds no infirmity in the impugned notice issued under Annexure-2.

7. Taking into consideration the facts and circumstances of the case, this Court, however, observes that if the Petitioner is desirous to retain the Government Family Quarter No.585, Type-II at Group Centre, Bhubaneswar, he should make an application to that effect within a period of three weeks hence. In that event, the same shall be considered in accordance with law as expeditiously as possible preferably within a period of four weeks therefrom taking into consideration the prevailing rules as well as the observation made hereinabove.

8. Till a decision is taken on such application, if made within the time stipulated as above, no coercive action shall be taken against the Petitioner for eviction from Quarter No.585, Type-II at Group Centre, Bhubaneswar.

9. Accordingly, this writ petition is disposed of.

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

(K.R. Mohapatra)
Judge