

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12021 OF 2018

Pratima Dash

....

Petitioner

Mr. S.K. Ojha, Advocate

-versus-

Union of India and others

....

Opp. Parties

Mr. Prasanna Kumar Parhi, DSGI
along with Ms. Babita Sahoo, CGC

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

23.11.2022

Order No.

12. 1. This matter is taken up through hybrid mode.
2. Additional affidavit on behalf of the Opposite Parties filed by learned CGC is taken on record. Copy of the same is served on learned counsel for the Petitioner.
3. The Petitioner in this writ petition seeks to assail the notice dated 3rd June, 2018 (Annexure-6) issued by the Deputy Inspector General of Police, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3, thereby directing her to vacate Quarter No.82, Type-II at Group Centre, CRPF, Bhubaneswar.
4. While issuing notice in the matter this Court vide order dated 19th July, 2018 passed in I.A. No. 9913 of 2018, directed that as an interim measure, no coercive action shall be taken against the Petitioner pursuant to the notice under Annexure-6 till the next date of listing. The said interim order is continuing till date.
5. On the last occasion i.e. on 17th November, 2022, Mr. Ojha, learned counsel by filing an affidavit of the Petitioner

submitted that there is a development in the matter. The Petitioner has been transferred to Bhubaneswar and she has already joined in her place of posting. Referring to the amendment rules of allotment of quarter, learned counsel for the Petitioner submits that earlier the rule was *“family quarters will be allotted for a period of three years or for the period of stay of allottee in the particular station whichever is earlier”*. But, now as per the amended rule for allotment of family quarters *“Family quarters will be allotted for a period of three years or till the time the allottee is posted in that station.”* Since the Petitioner has already been posted at Bhubaneswar, she is entitled to retain the quarter.

6. Ms. Sahoo, learned CGC appearing with Mr. Parhi, learned DSGI sought for a short adjournment to appraise the Court about the development by filing an affidavit. Today, Ms. Sahoo, learned CGC referring to the Additional affidavit dated 23rd November, 2022 filed by the Deputy Inspector General of Police (Adm), CRPF, Bhubaneswar submits that since the Petitioner has already been transferred to Bhubaneswar, her case will be considered afresh in terms of the guidelines of ‘CAPF eAwas’.

7. In view of the above, learned counsel for the Parties pray for disposal of the writ petition in the light of their respective submissions.

8. Taking into consideration the rival contentions of the parties and the amended rules under Annexure-13 as well as the guidelines as per the ‘CAPF eAwas’, the case of the Petitioner

requires fresh consideration keeping in mind that she has a mentally retarded child.

9. In view of the above, this Court sets aside the notice under Annexure-6 and directs the Deputy Inspector General of Police, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 to consider the case of the Petitioner afresh keeping in mind the observation made herein above.

10. The writ petition is accordingly disposed of.

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



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