

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.17773 of 2022

In the matter of an application under Articles 226 & 227 of the
Constitution of India.

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Siba Sindhu Behera

....

Petitioner

-versus-

Union of India & Ors.

....

Opposite Parties

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. J. Nayak
Central Govt. Counsel

W.P.(C) No.17771 of 2022

Sujata Khandayatray

....

Petitioner

-versus-

Union of India & Ors.

....

Opposite Parties

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B.K. Pardhi
Central Govt. Counsel

W.P.(C) No.17778 of 2022

Manaswini Routray **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.17781 of 2022

Gajendra Kumar Mallik **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. J. Sahoo
Central Govt. Counsel

W.P.(C) No.17784 of 2022

Susanta Kumar Mallik **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. A. Pradhan
Central Govt. Counsel

W.P.(C) No.17789 of 2022

Niranjan Giri **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.17791 of 2022

Namita Das **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D. Gochhhayat
Central Govt. Counsel

W.P.(C) No.17792 of 2022

Anil Kumar Mishra **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B. Maharana
Central Govt. Counsel

W.P.(C) No.19252 of 2022

Babita Rani Sahoo **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. J. Sahoo
Central Govt. Counsel

W.P.(C) No.19253 of 2022

Anima Mohanty **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : *Mr. P.K. Parhi*
Deputy Solicitor General of India
Mr. B. Moharana
Central Govt. Counsel

W.P.(C) No.19394 of 2022

Usharani Das **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : *Mr. P.K. Parhi*
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.19395 of 2022

Jasmita Garnayak **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B. Maharana
Central Govt. Counsel

W.P.(C) No.19396 of 2022

Swapnarani Panda **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. A. Pradhan
Central Govt. Counsel

W.P.(C) No.19397 of 2022

Saroj Kumar Mohanty **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D.R. Bhokta
Central Govt. Counsel

W.P.(C) No.19398 of 2022

Manaswini Mahabhoi **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.19617 of 2022

Kusuma Rout **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.19620 of 2022

Jyotsnarani Mohanty **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B. Moharana
Central Govt. Counsel

W.P.(C) No.19622 of 2022

Jyotirmayee Sahoo **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.19625 of 2022

Sanjukta Chinara **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D.R. Mohapatra
Central Govt. Counsel

W.P.(C) No.19660 of 2022

Jyotirmayee Jena **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. J. Nayak
Central Govt. Counsel

W.P.(C) No.19713 of 2022

Murali Mohan Hial **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D.R. Mohapatra
Central Govt. Counsel

W.P.(C) No.19715 of 2022

Bhagyalaxmi Behera **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B.K. Pardhi
Central Govt. Counsel

W.P.(C) No.19717 of 2022

Pranayini Mohanty **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D. Tripathy
Central Govt. Counsel

W.P.(C) No.19720 of 2022

Prabhati Sethi **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D. Gochhayat
Central Govt. Counsel

W.P.(C) No.19721 of 2022

Khusnuma Parween **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. J. Sahoo
Central Govt. Counsel

W.P.(C) No.19831 of 2022

Sujata Mishra **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. M.K. Pradhan
Central Govt. Counsel

W.P.(C) No.19832 of 2022

Manjulata Kandi **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Dilip Sahu
Central Govt. Counsel

W.P.(C) No.19833 of 2022

Panchali Nayak **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.19837 of 2022

Kalu Charan Pradhan **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Alok Ku. Mohanty
Central Govt. Counsel

W.P.(C) No.20266 of 2022

Pratima Sahoo **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.20271 of 2022

Rashmita Pattnayak **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. M.K. Pradhan
Central Govt. Counsel

W.P.(C) No.20280 of 2022

Raghunath Sethi **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.20763 of 2022

Dhirendranath Behera **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.20764 of 2022

Manini Barik **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. S.S. Kashyap
Central Govt. Counsel

W.P.(C) No.20767 of 2022

Sushanti Patra **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. B.K. Pardhi
Central Govt. Counsel

W.P.(C) No.20772 of 2022

Rabindra Kumar Biswal **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.20773 of 2022

Abanti Naik **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. D. Gochhayat
Central Govt. Counsel

W.P.(C) No.21263 of 2022

Dharitri Pradhan

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Petitioner

-versus-

Union of India & Ors.

....

Opposite Parties

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Mr. Satyabrata Panda
Central Govt. Counsel

W.P.(C) No.21266 of 2022

Sumitra Swain

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Petitioner

-versus-

Union of India & Ors.

....

Opposite Parties

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India
Ms. Babita Sahu
Central Govt. Counsel

W.P.(C) No.21268 of 2022

Krushna Chandra Pradhan **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India

W.P.(C) No.21872 of 2022

Priyambada Nayak **Petitioner**

-versus-

Union of India & Ors. **Opposite Parties**

For Petitioner : M/s. R.C. Swain (Advocate)
S.K. Singh (Advocate)
N.C. Das (Advocate)

For Opp. Parties : Mr. P.K. Parhi
Deputy Solicitor General of India

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 16.09.2022 and Date of Order: 29.09.2022

Biraja Prasanna Satapathy, J.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. R.C. Swain, learned counsel for the Petitioners and Mr. P.K. Parhi, learned DSGI along with concerned CGC in all these writ Petitions.
3. The present writ Petitions have been filed challenging the notice of eviction issued on 04.07.2022 by the DIG -cum- Estate Officer, Group Centre, CRPF, Bhubaneswar-O.P. No. 3 directing the Petitioners to vacate the quarter in their occupation.
4. It is the main contention of the learned counsel for the Petitioners that the impugned vacation notice dtd.04.07.2022 has been issued by the O.P. No. 3 without following the provision contained under Rule 27(a) of the Central Reserve Police Force Family Accommodation Rules, 2015 (in short 'Rules').
5. It is submitted that though the initial period of allotment of CRPF quarter as provided under Rule 27 of the aforesaid Rules is for a period of three (3) years, extendable up to 5 years by the GCOs and 7 years by the Sector IsG and beyond it by the ADG/SDG in extreme special circumstances, but in view of the provision contained under Rule 27(a) of the said Rules, the said occupation is extendable in respect of persons continuing in eligible zone i.e. J & K/LWE & NE region, till a posting is provided in eligible area subject to such conditions specified in Ministry of Home Affairs office memorandum dtd.18.02.2002.
6. It is submitted that since the Petitioners herein are continuing in eligible zone as indicated hereinabove, the quarters allotted in their favour is extendable till their posting in an eligible area. It is further submitted that since all the Petitioners are continuing in eligible zone, they are entitled to continue with the occupation of the quarter and the eviction notice issued on

04.07.2022 by the O.P. No. 3 has been made without proper appreciation of the said provision contained under Rule 27(a) of the Rules.

7. It is accordingly submitted that since the Petitioners are continuing in eligible zone i.e. J & K/LWE & NE region, they are entitled to continue with the occupation of their quarter allotted in their favour till they are posted in an eligible area, but with the condition specified in the office memorandum dtd.18.02.2002. It is accordingly submitted by learned counsel for the Petitioners that since the Petitioners are continuing in such eligible zone as on date they cannot be directed to vacate the quarter and the vacation notice issued on 04.07.2022 by the O.P. No. 3 is illegal and needs interference of this Court.

8. This Court while issuing notice of the matter in most of the cases passed an interim order with a direction on the learned DSGI and the learned CGCs appearing in each of the cases to file an affidavit as to whether the concerned employee has been given a posting in an eligible area in the meantime and whether in view of the stipulation contained in the office memorandum dtd.18.02.2002, the allotment of the quarter in question is coming within the 25% of the available quarter indicated in Clause 27(a)(ii) of the said Rules. Pursuant to such direction of this Court a preliminary counter affidavit was filed in some of the cases. In the said counter affidavit and subsequent additional affidavit filed on behalf of the Opp. Parties it is indicated that the total no. of quarters available for allotment in Group Centre, Bhubaneswar at present is 1015 and 25% of the same comes to 254.

9. It is further submitted that no. of quarters occupied by personnel posted in eligible zone at present is 346. It is accordingly submitted that in view of the stipulation contained at 25% of the available quarter to be retained by personnel transferred to eligible zone, which is 254, all the allottees, who have been allotted with the quarter because of their continuance under eligible

zone cannot be accommodated and allowed to continue with the quarter in question.

10. It is also submitted that all the Petitioners in the present batch of writ Petitions are not continuing under eligible zone and some of them in the meantime have been posted to peaceful area. It is also submitted that some of the Petitioners as reflected in the impugned eviction notice dtd.04.07.2022 are continuing for more than 8 years up to 18 years. It is also submitted that in view of the stipulation contained that 25% of the quarter to be allotted in favour of employees posted to eligible zone, which comes to 254 out of the total available quarters at 1015, no illegality is there with regard to the eviction notice issued in favour of the Petitioners.

11. Mr. Parhi, learned DSGI further submitted that in view of the limited no. of quarters available to the extent of 25%, the prayer made by the Petitioners to continue with their allotment of the quarter is not maintainable. It is further submitted that as per the 2015 Rules though the retention of the quarter is extendable till an employee is posted in an eligible area, but all the persons cannot be allowed to continue with the quarter in view of the restriction imposed at 25%.

12. Mr. Parhi further submitted that as per the provision contained in the office memorandum issued in the meantime on 02.09.2022 copy of which was produced before this Court, retention of accommodation is specified in Clause 22 of the said office memorandum. It is submitted that as per the Clause 22 of the said Memorandum, personnel posted to specified extreme hard areas will be permitted to continue with the accommodation already occupied in previous location till his posting out from such location/deployment or 3 (three) years, whichever is earlier. It is also provided that such personnel be further directed to seek allotment of Separated Family Accommodation (SFA) and shift there.

13. It is also submitted that those persons, who cannot be allotted with the quarter in Group Centres are also entitled to get house rent @ 18% of basic pay and no harm will be caused to the Petitioners herein, if they vacate the quarter and avail the benefit of 18% of House rent allowance, which is very much substantial to go for rented accommodation at Bhubaneswar.

14. Making all the submissions Mr. Parhi, learned DSGI submitted that in view of the limited no. of quarters available for allotment at Bhubaneswar, which is precisely 254 quarter, all the Petitioners cannot be allowed to continue in their allotted quarters.

15. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same finds that as per the submission made by the learned DSGI all the Petitioners herein are not continuing in eligible zone and some of them are continuing in peaceful area. This Court accordingly observes that those Petitioners, who are continuing / posted in peaceful area, they are not eligible to retain the quarter and this Court is not inclined to interfere with the eviction notice issued on 04.07.2022 in respect of those employees. With regard to the employees, who are continuing in eligible zone till date, this Court observes that out of the available 254 quarters eligible for allotment in favour of such employees continuing in eligible zone, the O.P. No. 3 shall allow such of the Petitioners to continue, whose position is coming within the said 25% and pass modified orders accordingly by allowing the Petitioners to continue, who are coming within the 25% ear marked for such employees, O.P. No. 3 is directed to take a fresh decision in the matter as directed by this Court hereinabove within a period of one month from the date of receipt of this order.

16. Till a fresh decision is taken and communicated as directed by this Court, the Petitioners, who are continuing in eligible zone, be allowed to continue with the allotted quarter till then.

17. The writ Petitions are disposed of with the aforesaid observations and directions. There shall be no order as to cost.

18. Photo copy of the order be placed in all the connected records.

(Biraja Prasanna Satapathy)
Judge

Orissa High Court, Cuttack
Dated the 29th of September, 2022/Sneha

