

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 20081 OF 2022

Reena Naik

.... Petitioner

Mr. Sangram Kumar Singh, Advocate

-versus-

Union of India and others

.... Opp. Parties

Mr. A.K. Parhi,
Deputy Solicitor General along
with Mr. Satyabrata Panda, CGC

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

27.09.2022

Order No.

1. This matter is taken up through hybrid mode.
2. The Petitioner in this writ petition seeks to assail the notice/order dated 29th July, 2022 (Annexure-5) issued by the Deputy Inspector General of Police, Central Reserve Police Force (CRPF)-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar- Opposite Party No.3, whereby he directed to vacate Quarter No. 22, Type-III, Group Centre, CRPF Campus, Bhubaneswar.
3. Mr. Singh, learned counsel for the Petitioner submits that when the Petitioner's husband was posted at Bhubaneswar during 2001, he was allotted with Quarter No. 22, Type-III, Group Centre, CRPF Campus, Bhubaneswar. Now, the husband of Petitioner is working as Inspector (GD) in CRPF No. 015043822, 12th Battalion and is posted at Bhutapada, Jail Road in the district of Sambalpur. He is a cancer patient. The physician of Central Reserve Police Force (CRPF) has issued a certificate to that effect. Hence, the husband of Petitioner is entitled to retain the Qr.No.22, Type-III, Group Centre, CRPF, Nayapalli, Bhubaneswar. Without considering the same, the impugned

notice under Annexure-5 has been issued directing the husband of the Petitioner to vacate the Quarters within a period of fifteen days. It is his submission that Clause-16 of Guidelines for Allotment and Occupation of Family Quarters in Central Reserve Police Force, 2015 overrides the general provision of Clause-27 of the guidelines. Hence, the case of the husband of Petitioner should have been considered in the light of Clause-16 of the guidelines.

4. Mr. Parhi, learned Deputy Solicitor General appearing for the CRPF submits that Clause-16 of the guidelines is not applicable to the case of the husband of the Petitioner as it is superseded vide memorandum dated 2nd September, 2022 issued by the Government of India in the Ministry of Home Affairs. As there is scarcity of family quarters to be allotted to the CRPF personnel, who are posted LWE/NE Region and Jammu & Kashmir, the Petitioner's husband should have vacated the quarters immediately. In that view of the matter, he prays for dismissal of the writ petition.

5. Taking into consideration the submissions made by learned counsel for the parties and on perusal of the eviction notice/order under Annexure-5, it appears that the Deputy Inspector General of Police, CRPF-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar has not considered the case of the husband of Petitioner in the light of Clause-16 of the guidelines vis-à-vis the notification dated 2nd September, 2022 (supra).

6. In that view of the matter, this writ petition is disposed of with a direction that in the event the Petitioner's husband files a grievance petition/representation before the Deputy Inspector

General of Police, CRPF-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 stating the grounds therein within a period of seven days hence along with certified copy of this order, he shall do well to consider the same and take a decision thereon in accordance with law as expeditiously as possible preferably within a period of one month therefrom.

7. Till a decision is taken on the grievance petition/ representation, if filed within the time stipulated above, the husband of Petitioner shall not be evicted from Qr. No. 22, Type-III, Group Centre, CRPF, Nayapalli, Bhubaneswar pursuant to the notice/order under Annexure-5, if he has not been evicted in the meantime.

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

(K.R. Mohapatra)
Judge

bks

