

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13827-2017 (O&M)

Date of Decision: 10.10.2022

Krishna Dalal

....Petitioner

VS

Inspector General and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Brijesh Nandan, Advocate
for the petitioner

Ms. Anita Balyana, Advocate
for the respondents

SUDHIR MITTAL, J. (Oral)

The husband of the petitioner was in service in the Central Reserve Police Force (hereinafter referred to as 'the CRPF'). He died while in service. At that point in time he was holding the rank of Head Constable. He died on 07.08.2012. The petitioner (his widow) was occupying Type-II accommodation at CRPF Camp, Hallo Majra as the same had been allotted to her late husband. In November 2015, the Directorate General, CRPF, New Delhi framed Rules known as the Central Reserve Police Force Family Accommodation Rules, 2015 (hereinafter referred to as '2015 Rules'). Under Clause 23(i)(b) the widow whose husband is killed in the line of duty and her children are studying in Secondary/ Senior Secondary Classes, is entitled to priority in allotment of accommodation earmarked as "Nirmal Sadan" in each Group Centre, provided the application was made within three years. The petitioner applied for allotment under the said Rules vide request letter dated 23.03.2016 followed by reminder dated 02.11.2016.

However, no reply was received. Instead, bill dated 31.05.2017 was raised

demanding a total amount of Rs. 16,688/- from the period 21.04.2017 to 20.05.2017. Thus, the present writ petition has been filed.

Pursuant to notice issued, detailed written statement has been filed wherein it has been averred that "Nirmal Sadan" accommodation is available only in Group Centres and CRPF Camp Hallo Majra not being a Group Centre, the petitioner could not be given any accommodation therein. However, on compassionate grounds she was permitted to reside in the same accommodation from 07.08.2012 to 05.03.2017. Moreover, application for grant of accommodation under the "Nirmal Sadan" Scheme could have been entertained provided it had been submitted within three years from the date of death of the CRPF personnel. The same having been submitted more than three years after the death the application was not entitled to be entertained.

Learned counsel for the petitioner has submitted that the petitioner has been forcibly dispossessed on 20.07.2017 after passing of order dated 18.07.2017 whereby recovery from the petitioner had been stayed. Thus, the action was contemptuous. Further, demand of enhanced rent at market value is unsustainable in law. The petitioner has now forcibly been evicted and, thus, she only claims that her baggage left in the accommodation in dispute be returned and demand of Rs. 26,000/- raised vide Annexure P-7 be waived.

Learned counsel for the respondents has argued on the lines of averments made in the written statement.

From the aforementioned facts, it is clear that the petitioner was permitted to reside in the accommodation occupied by her while her husband was in service for almost 5 years i.e. 07.08.2012 to 05.03.2017. This step was taken in the absence of any demand and on the extreme compassionate grounds. The petitioner, thus, can not complain that the respondents have adopted a high handed and heartless attitude towards the widow. 2015 Rules came into force more than

three years after the death of the petitioner's husband and the said rules provide in Clause 23 thereof that application should be filed within three years of the date of death. This is obviously keeping in mind the urgent situation arising out of untimely death of the spouse and to give adequate time to a widow to make preparations for re-location of herself and the family. A period of three years had already elapsed when the said Rules came into force and, thus, the application filed by the petitioner on 23.03.2016 could not have been entertained. As the petitioner continued to retain the accommodation even after she was requested to vacate the same, proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 had to be initiated resulting in passing of order Annexure P-7 for recovery of market rent. The same has also been confined to period of two months only and, thus, the action can not be termed unnecessarily harsh. The widow must vacate official accommodation gracefully after expiry of the period for which she has been permitted to retain the same. Such a person does not have a right to Government accommodation especially when availability of accommodation is restricted.

Thus, I find no error or illegality in the impugned actions. The writ petition lacks merit and is dismissed. The petitioner is at liberty to collect her baggage at any time with prior intimation to the respondents.

Pending application(s), if any, stands disposed of.

10.10.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No