IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

(89)

O.A.1371/96 with ✓
O.A.1372/96
O.A.1730/96

This the 31st day of December 1996.

HON'BLE SHRI R.K. AHOOJA, MEMBER(A).

1. O.A.NO.1371/96:

Shri Rajinder Singh
S/o Sh. Harbana Singh,
R/o Qr. No.176, Police Colony,
Ashok Vihar,
New Delhi.

(By Advocate Mrs.Meera Chhibber) ..... Applicant.

Versus

1. Union of India, through
Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Dy. Commissioner of Police HQ III
M.S.O. Building,
I.P. Estate,
New Delhi.

3. Assistant Director C-II,
Bureau of Investigation,
Level VIII, East Block VII,
R.K. Puram,
New Delhi.

(By Advocate Shri B. Lall for Rspdts. 1 & 3 ..... Respondents.
Shri Arun Bhardwaj for Respondent No.2)

2. OA-1372/96

Shri Harish Chander
S/o Sh. Kishori Lal,
R/o Qr. No. 3, Type III,
P.S. Preet Vihar, New Delhi
(By Advocate Mrs.Meera Chhibber) ..... Applicant,

Versus

1. Union of India, through
Secretary, Min. of Home Affairs,
North Block, New Delhi.

2. Dy. Commissioner of Police HQ III
M.S.O. Building, I.P. Estate,
New Delhi.

3. Assistant Director C-II,
Bureau of Investigation,
Level VII, East Block.VII,
R.K. Puram,
New Delhi.

(By Advocates Shri Arun Bhardwaj for Rspdts No.2 ..... Respondents.
Ms. S.R. Khan for the Rspdts 1 & 3.)

contd....

3. O.A. 1730/96

S.I. Ashok Singh
S/o Shri Mahender Singh
R/o 3-C Police Colony,
Model Town,
New Delhi ..... Applicant

(By Advocate Mrs.Meera Chibber)

Versus

1. Union of India,
through Secretary,
Ministry of Home Affairs,
North Block
New Delhi.

2. Dy.Commissioner of Police
HQ. III M.S.O. Building,
I.P.Estate,
New Delhi.

3. Assistant Director C-II,
Bureau of Investigation,
Level VIII, East Block VII,
R.K. Puram,
New Delhi. ..... Respondents.

(By Advocate Shri Arun Bhardwaj for Respondts.1 & 2
Ms.Aparna Bhatt for Respondent No.3.)

ORDER

By Hon'ble Shri R.K. Ahooja, Member(A).

1. O.A.NO.1371/96:

1. The applicant who is working as Asstt.Sub-Inspector in Delhi Police, was sent on deputation to Bureau of Immigration for a period of 3 months vide order dated 8.1.96 (Annexure P-IV). While working in Delhi Police, he had been allotted Qtr. No.176, Type 'B' Police Colony, Ashok Vihar, New Delhi. However, this allotment was cancelled vide Annexure P-I order dated 9.5.96 and he has been directed to hand over vacant possession of the quarter, failing which it was stated therein that the licence fee at damage rates will be charged besides taking legal action U/s 27(2) of Delhi Police Act. The applicant submits that he had made a representation to the FRRO

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while working on deputation, to request the DCP, Delhi Police to permit him to retain the quarter. The applicant further submits that he also made further representation to the Asstt. Director, IB, requesting him to allot a Qtr. from IB pool immediately. However, in spite of these representations, Respondent No.2 vide order dated 19.6.96 issued an eviction order calling upon him to vacate the premises within 10 days. He has now come before the Tribunal with a request that the impugned orders P-I and P-II regarding the cacellation of the allotment and eviction order he quashed.

2. The case of the applicant is that he had been sent on deputation to the Bureau of Investigation which is under the administrative control of FRRO which is, in fact & effect, a unit of Delhi Police itself. The FRRO himself is an officer of the Delhi Police. Since the Delhi Police Personnel working as such under the FRRO are entitled to retain the Govt. accommodation, the applicant who is also on deputation, was certified & entitled to the same facility. It is also submitted that the accommodation allotted to one of the deputationists, Shri Ashok Singh who is similarly situated as the applicant has not been cancelled. Similarly, in the case of SPG, Delhi Police Personnel sent

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on deputation have been allowed to retain the quarters. The applicant also alleged that no show cause notice was issued before declaring him an unauthorised occupant or before issuing the eviction order. The applicant has further alleged that the respondents have also not disposed of the representation given by the applicant.

3. The respondents controvert the above allegations. In the reply they have stated that the applications for deputation to the Bureau of Immigration were called for vide circular dated 21.4.95 at Annexure R-1, It was clearly mentioned in the last para that the officer selected for deputation will have to vacate the Govt. accommodation of Police pool, if any, in his possession within the sipulated period. Rule 19 of S.O. No.3/91 provides that the selected official shall have to vacate the Govt. accommodation within the stipulated period of 2 months from the date of his proceeding on deputation. It is also stated that an undertaaking was obtained from the applicant vide Annexure R-II that he will vacate the said quarter within the stipulated period. The respondents have denied that such an accommodation was given to Ashok Singh and submit that in his case too orders have been issued for cancellation as well as eviction of the Govt. quarter alloted to him.

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4. I have heard Learned counsel on both sides and have also perused the pleadings on record. Mrs. Meera Chhibber, counsel for the applicant, dilated at length on the duties of the FRRO and explained that actually the work was being done on behalf of Delhi Police and the office incharge was also a Delhi Police Officer and he was also had units of Delhi Police working under him on immigration duty. Some of the persons have been shown on the strength of Bureau of Immigration & Investigation for administrative reason only. In the circumstances it would be discriminatory if one wing of FRRO is allowed the facility of Delhi Police accommodation while the other, just because it is shown as on deputation to the IB, is denied the same facility. Bureau of Immigration & Investigation is also under the administrative control of FRRO and officials of Delhi Police deputed to Special Protection Group(SPG) have been allowed to retain their Delhi Police accommodation. Learned counsel for the applicant argued that besides this the respondents have been highly discriminatory inasmuch as they had allowed certain other officers who had gone for deputation to retain their accommodation. She also stated that eviction letter in case of Ashok Singh was issued only after the present OA was filed before this Tribunal. Smt. Chhibber also relied on the orders

of the Tribunal in OA-1703/96 and 1704/96 decided on 4.9.96 claiming that in similar cases, the Tribunal had held cancellation of allotment as illegal.

5. Despite giving careful consideration to the above submission and arguments, I am unable to find any merit in the case of the applicant. It is an admitted fact that the circular dated 21.4.95(R-1) specifically stated in para-3 thereof that the officers selected for deputation will have to vacate the Govt. accommodation of Police pool within the stipulated period. The applicant thereafter, applied for deputation in full knowledge of this condition. Furthermore as per R-2 he had also given an undertaking that he will vacate the Police accommodation alloted to him within the stipulated period. It does not lie with him now to argue that he considered this conditions and undertakings as mere formalities which were not meant to be observed and that he was under the impression that the respondents will not insist on the implementation of this undertaking. The orders in OA-1703/96 are also of no help to the applicant since the facts in that case were different as on notice being served to vacate the Govt. accommodation the applicant therein sought reversion to Delhi Police

and the only question remained was whether he was liable to be charged the damage rate for the period subsequent to the cancellation of his allotment and his pre-mature return from deputation. In the present case there is no indication that the applicant has sought reversion from deputation. Hence, there is neither a question of regularisation of the cancelled accommodation in his favour nor a question of examining his representation for not charging the damage rate of licence fee.

6. As regards the allegation of discriminating treatment the respondents have certified that similar action has been taken against Ashok Singh and this is admitted by the applicant in the rejoinder. Mrs. Meera Chhibber in her argument emphasised the special facility given to the SPG which has been denied in the case of deputationists to IB. It will be seen that the exemption has been granted to a class of people i.e., those going to SPG. As the learned counsel for the respondents submitted there are valid reasons for giving a special facility in the case of SPG because it deals with the protection of VIPs. and also because SPG may not have its own separate pool for all the personnel. Be that as it may, it is clear that the exemption granted to the SPG is not on an individual basis. Furthermore, there is

no stipulation that in the case of deputation to SPG, as in the case of the IB those who apply for deputation and are selected would have to vacate the Govt. accommodation of Delhi Police accommodation.

7. In the light of the above discussion I find no merit in the application, the same is dismissed accordingly. No order as to costs.

2. OA-1372/96

The facts and circumstances in this OA are the same as in OA-1371/96 though there is no proof of undertaking given by the applicant before proceeding on deputation that he will vacate the Delhi Police accommodation allotted to him. Since however, this was a condition stipulated in the circular inviting the names for deputation, whether undertaken was actually taken or not has no material bearing on the issue.

For the reasons stated in OA-1371/96 this OA is also dismissed.

3. OA-1736/96

1. The applicant in this case sought same relief as referred to earlier in OA-1371/96 who had also given an undertaking that he will vacate the Police accommodation allotted to him within the stipulated period.

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The ground taken in this OA are the same as in other two OAs. By way of technical ground to show that the applicant is discharging duties while on deputation similar to those of Delhi Police, a copy of the commendation card has been annexed with the rejoinder. This commendation card awarded by the Delhi Police to the applicant is for having done good and hard work in dealing with foreigners who visited IGI Airport, New Delhi. The commendation card shows that FRRO is a DCP of Delhi Police. However, by no stretch of imagination this commendation card changes the status of the applicant as a deputationists from Delhi Police to the IB. Hence the reasons mentioned above in two OAs. also clearly apply in the present case.

2. This O.A. also stand dismissed accordingly.

(R.K. AHUJA)
MEMBER(A)

(BIMLA DEVI)
कोर्ट अधिकारी/Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रधान न्यायपीठ, फरीदकोट हाउस
Principal Bench, Faridkot House
नई दिल्ली/New Delhi-110001