

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 285/2007
R.A/C.P No.
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SECTION OFFICER (Judl.)

Kalika
20.04.19

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application NO. 285/07
2. MIBs Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s) P. P. Bhushan Sama VS Union of India & Ors

Advocate for the Applicants. R. Mazumdar
Mr. M. U. Ahmed

Advocate for the Respondent(s) ADDL C.S.C.

Notes of the Registry

Date

Order of the Tribunal

07.11.2007

Mr. R. Mazumdar, learned counsel for

The Applicant states that the Applicant has

been posted to N.E. Region w.e.f.

November, 2005, and therefore, he is

eligible to retain the accommodation at

Bhubaneswar i.e., the place of his first

posting for another three years. The period

of three years will be over by November,

2008. However, the Additional D.I.G.P. cum

Estate Officer, Group Centre, CRPF,

Bhubaneswar has passed an order dated

27.10.2007 directing the Applicant to

vacate the Govt. accommodation within

15 days of the said order. Mr. M. U. Ahmed,

learned Addl. C.G.S.C. submitted that

notice may be issued to the Respondents.

The O.A. is admitted. Issue notice to

the Respondents to file reply statement.

Call this case on 17.12.2007.

Contd.....

Petitions for
issue notices are received
with envelops. 6700
served.

Di.

0A.285/07

Contd.
07.11.2007

Meanwhile, Respondents are directed not to evict the Applicant from the Govt. accommodation at Bhubaneswar, if not already vacated, till the next date.

Copy of this order shall be furnished to the counsel for the parties.


Member (A)

Notice & order sent to
D/Section for issuing
to Resp. nos. 1 to 4 /bb/
by regd. A/D. post

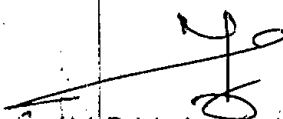
17.12.2007

No written statement has been filed
in this case as yet.

Mr. G. Baishya, learned Sr. Standing
counsel for the Union of India states that
brief of the Respondents has been
entrusted to Mr. M. U. Ahmed, learned Addl.
Standing counsel for the Union of India and
that Respondents seeks more time to file
written statement.

Call this matter for ~~hearing~~ on
06.02.2008 awaiting written statement from
the Respondents.

Interim order shall remain in force till
the next date.


(M.R. Mohanty)
Vice-Chairman

/bb/

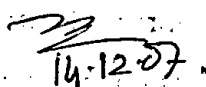
17/11/07
(M.U. Ahmed) car
Received a copy for
applicant.
Rajesh, Magadh.
Advocate.
7/11/07.

Car
19/11/07
D/No - 1407^{to} 1410
Dt = 19/11/07

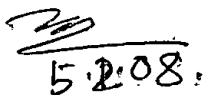
Notice duly served
on R-2.

Car
5/12/07

Notice duly served
on R. No-2, 3.


14.12.07.

W/S not filed.


5.2.08.


CA 285/07 (3)


06.02.2008

No written statement has been filed in this case as yet by the Respondents.

Call this matter on 11.3.2008 awaiting written statement from the Respondents. Interim order shall continue.


18.2.08
Wps filed.
Service copy kept
in 'C' file.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

Ln


Rejoinder not
biled.


10.3.08.

11.03.2008


Written statement has already been filed in this case. A copy thereof has served on Mr. R. Mazumdar, learned counsel appearing for the Applicant in court to-day. On the request of Mr. R. Mazumdar, counsel for the Applicant, call this matter on 12.03.2008.

fm


(M.R. Mohanty)
Vice-Chairman

12.03.2008

Call this matter on 14.03.2008


(M.R. Mohanty)
Vice-Chairman

Rejoinder not biled.



24.4.08

pg

14.03.2008

Despite opportunities no rejoinder has yet been filed.

Call this matter on 25.04.2008 for hearing.


(M.R. Mohanty)
Vice-Chairman

pg

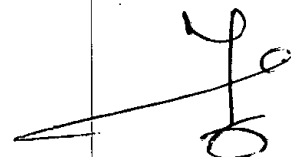
OA 285/07

25.04.2008

Heard Mr R. Mazumdar, learned counsel appearing for the Applicant and Mr M.U.Ahmed, learned Addl. Standing counsel for the Respondents organization.

It is informed from the Bar that the Applicant has in the meantime vacated the quarters at Bhubaneswar. That being the factual position, there remains nothing more to be adjudicated in this case, and, accordingly this case is dropped.

This case stands disposed of being dropped.



(M.R. Mohanty)
Vice-Chairman

pg

Received copy of
Order dtd 25/4/08
On behalf of Respondent
No. 2.

M. B. S. Talah.
30/4/08.
C.R.P.F. 9th MIU
Amari Bdg GtY-23.

केन्द्रीय प्रशासनिक न्यायपीठ
Central Administrative Tribunal

- 6 NOV 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH: GUWAHATI

ORIGINAL APPLICATION NO. 285 /2007

Pharmacist Pinak Bhushan Sharma

-Vs-

Union of India and others.

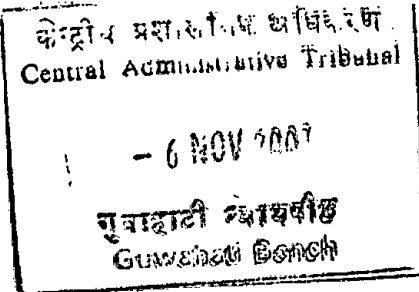
SYNOPSIS

The present application has been filed under Section 19 of the Administrative Tribunals Act, 1985. The applicant is a non-combatised pharmacist attached with the 170 Battalion, Central Reserve Police Force and is presently posted at Arunachal Pradesh. Though the Battalion is attached to Group Center Siliguri, the family of the applicant is in occupation of Quarter no 69/Type II in Group Center Campus, Central Reserve Police Force, Bhubaneswar, as there are no family accommodation in Group Center Siliguri. The applicant had been accorded permission to retain the quarters vide order dated 29/8/2006 for a period of one year or till his posting in NE Region, whichever is earlier. The Estate Officer, CRPF, Group Center, Bhubaneswar had served a notice dated 1-6-2007 under the Public Premises (Eviction of unauthorized Occupants) Act, 1971. The application dated 14-6-2007 to the Inspector General, Eastern Sector Kolkata, has been rejected vide order dated 5-10-2007 without due application of mind and on extraneous consideration. The Estate Officer vide order dated 27-10-2007 has ordered that the accommodation be vacated within 15 days of publication of the eviction order. The applicant states that the respondents have failed to take into account the fact that the children of the applicant are in mid-session (3rd Year B. Tech and in class XI) and the wife of the applicant is also undergoing treatment at Bhubaneswar. Being a civilian (non-combatised) person and being posted to the NE Region, the applicant is entitled to retain the quarters per circulars/office memorandums issued in this regard. The applicant submits that the rejection of the prayer to retain the quarters is liable to be struck down by this Hon'ble Tribunal and that the applicant is allowed to retain the accommodation till he is posted in the North-Eastern Region. The applicant has made a prayer for interim protection by this Hon'ble Tribunal.

Filed by
Rajesh Mazumdar
(RAJESH MAZUMDAR)
ADVOCATE.
(Counsel for the applicant)

LIST OF DATES AND EVENTS

- March 1999 Applicant was allotted Family Quarter no 69/Type II in Group Centre Campus, Central Reserve Police Force, Bhubaneswar while applicant was posted in 43 Battalion deployed in NE region.
- 2004 Applicant was posted to the newly raised 170 Battalion, Foster Group Centre being Group Centre, Central Reserve Police Force, Bhubaneswar. Later 170 Battalion was attached with Group Center Central Reserve Police Force, Siliguri. There is no provision for family accommodation at Group Centre Siliguri.
- 2/9/2005 Applicant was allowed to retain family Quarter at Group Centre Bhubaneswar till 31/5/2006 .
- November 2005 Applicant was posted to Arunachal Pradesh with 170 Battalion.
- 29/8/2006 Applicant was allowed by the Inspector General, Eastern Sector, Central Reserve Police Force, Kolkata to retain accommodation for one year or till posted at NE Region, whichever is earlier, i.e. till 29/8/2007
- 1/6/2007 The Estate officer, Group Center Bhubaneswar, issued a notice under Section (1) and Clause (b) (ii) of Sub-Section (2) of Section 4 of the Public Premises (Eviction of unauthorized Occupants) Act, 1971 preceding issuance of eviction order.
- 14/6/2007 Applicant replied to show cause notice.



- 14/6/2007 Applicant applied to the Inspector General of Police, Eastern Sector, CRPF, Kolkata for consideration to allow retention of govt. accommodation.
- 05/10/2007 Applicant has come to know that IG, ES Kolkata, without due application of mind has rejected the application.
- 27/10/2007 Applicant's family has been asked to vacate quarters within fifteen days.

- 6 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: GUWAHATI

(An application under Section 19 of the Central Administrative Tribunal Act, 1985)

Title of the case: ORIGINAL APPLICATION NO.....285...../2007

Pharmacist Pinak Bhushan Sharma

-Vs-

The Union of India and others.

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FILED BY

Rajesh Mazumdar

(RAJESH MAZUMDAR)

ADVOCATE.

5, Pub-Sarania Road, Chandmari, Guwahati-3

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

- 6 NOV 2007

गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH:
GUWAHATI

(An application under section 19 of the Central Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 285/2007

Pharmacist Pinak Bhushan Sharma

Force no 771560057

170 Battalion, Central Reserve Police Force,

Presently posted at Sinkiview, Itanagar
Arunachal Pradesh.

.....Applicant

-Vs-

1. The Union of India, Through the Secretary, Ministry of Home Affairs, New Delhi.
2. The Director General Of police, Central Reserve Police Force, Lodhi Road, CGO Complex, New Delhi-110003.
3. The Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata, West Bengal.
4. The Additional Deputy Inspector General of Police, Group Center, Central Reserve Police Force, Bhubaneswar, Orrisa.

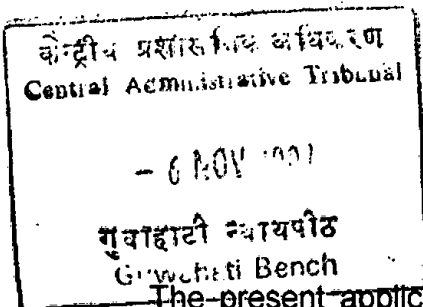
.....Respondents

DETAILS OF THE APPLICATION :

1. Particulars of the order against which the application is made:

Pinak Bhushan Sharma

Filed by the applicant
through Rajesh Hazarwan
Advocate



The present application is being preferred against the Order No. A.II-3/2007-08-ES-Works dated 05 October 2007, passed by the office of the Inspector General of Police, Eastern Sector, Kolkata, rejecting the prayer of the applicant for retention of accommodation at Group Centre, Central Reserve Police Force, Bhubaneswar. (Annexure A5 to this application)

2. Jurisdiction Of The Tribunal:

The applicant declares that the subject-matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

3. Limitation:

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:

- i) The applicant respectfully states that he is a non-combatised pharmacist serving in the Central Reserve Police Force (hereinafter referred to as the "Force") and he joined the services in the year 1977. The applicant further states that he is attached to the 170 Battalion of the Force and presently deployed in the State of Arunachal Pradesh, which falls under the jurisdiction of this Hon'ble Tribunal.
- ii) The applicant states that while he was deployed in the 43 Battalion of the Force he was allotted rent-free accommodation at Quarter no

Pinok Bhushan Sharma,

- 6 NOV 2007

गुवाहाटी न्यायपीठ
Gowahati Bench

69/Type-II in Group Center Campus of the Force, Bhubaneswar,
while he was posted in the North-Eastern Region.

- iii) The applicant states that in the year 2004, he was deployed to then newly raised 170 Battalion of the Force. It would be relevant to mention here that the Group Centre, Bhubaneswar was the foster Group Center for 170 Battalion and presently the 170 Battalion is attached/under the administrative control of Group Center, Siliguri, which is itself a newly raised Group Centre. 170 Battalion is presently deployed in the North-Eastern State of Arunachal Pradesh since November 2005.
- iv) That the applicant states that as the applicant had occupied the Quarter no 69/II at Group Center Campus, Bhubaneswar, on his prayer, the competent authority, per order dated 2/9/2005, had allowed the petitioner to retain the family quarter till 31/5/2006.
- v) The applicant states that since the applicant was deployed to the North-Eastern Region (Arunachal Pradesh), per order conveyed by communication dated 25/8/2006 bearing no A.II/3/2006-07-ES-Works, the competent authority was pleased to allow the applicant herein to allow retention of the accommodation for a further period of one year or till 170 Battalion was posted in Arunachal Pradesh, whichever was earlier.

A true copy of the communication dated 25/8/2006 bearing no A.II/3/2006-07-ES-Works, is annexed hereto and marked as Annexure A1.

Pinok Bhushan Sharma,

- 6/07/07

गुवाहाटी न्यायपीठ
Guwahati Bench

- vi) The applicant states that on 07/06/2007, while he was posted at Arunachal Pradesh, he was served with a show cause notice bearing no A.II.4/07-08-GCB-Bldg dated 1/6/2007 issued under the Public Premises (Eviction of unauthorized Occupants) Act, 1971 by the Office of the Additional Deputy Inspector of Police, Group Center Bhubaneswar, asking him to show cause as to why orders for eviction should not be passed against the applicant herein with regard to Quarter no 69/II, Group Center Campus, Central Reserve Police Force, Bhubaneswar.

A true copy of the show cause dated 1/6/2007 is annexed hereto and marked as Annexure A2.

- vii) The applicant states that vide his reply dated 14/6/2007, he had informed the office of the Additional Deputy Inspector General of Police, Group Center, Central Reserve Police Force, Bhubaneswar that he had already applied to the Inspector General of Police, Eastern Sector for accord of permission to retain the accommodation till he completed his tenure in the North-Eastern Region. He had further pleaded that there was no family accommodation available at Group Centre Siliguri and it was not possible to shift his family to Arunachal Pradesh, since his children were pursuing their studies in 3rd year B. Tech Course and Class XI respectively, and it was mid-term.

A true copy of the reply dated 14/6/2007 is annexed hereto and marked as Annexure A3.

Pinon Bhushan Sharma,

- 6 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

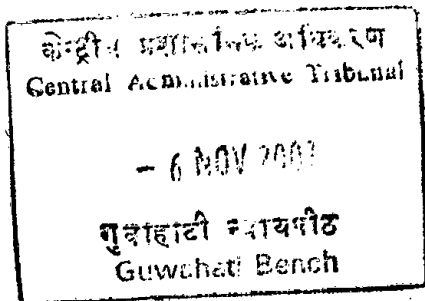
viii) The applicant states that vide his application dated 14/4/6/2007, he prayed before the Inspector General Of Police, Eastern Sector, Kolkata to allow him to retain the accommodation at Group Center, Bhubaneswar, interalia on the ground that as he was posted in the North-Eastern Region, he was entitled to enjoy the user of the said accommodation in the light of several memorandums/circulars issued by the competent authority from time to time. The applicant had also stated that his children were pursuing their studies in Bhubaneswar and it was a crucial stage since it was mid term and while one of his children was in 3rd year B. Tech Course, the other was in Class XI. The applicant had also brought to the notice of the competent authority that his wife was under treatment at the Central Research Institute (Ayurveda) at Bhubaneswar. The applicant had fervently prayed that he be allowed to retain the accommodation during his tenure at North-Eastern Region.

A true copy of the representation dated 14-6-2007 filed by the applicant is annexed hereto and marked as Annexure A4.

ix) The applicant states that per communication No A.II-3/2007-08-ES-Works dated 5th of October, 2007, the Inspector General was pleased to reject the prayer of the applicant for further retention of accommodation at Group Center Bhubaneswar.

A true copy of the communication No A.II-3/2007-08-ES-Works dated 5th of October, 2007 is annexed hereto and marked as Annexure A5.

Pinax Bhushan Sharma.



- x) The applicant states that the Additional Deputy Inspector General of Police, Group Center, Central Reserve Police Force, Bhubaneswar has had pasted a copy of order no A. II. 4 / 07-08-GCB-Bldg dated 27/10/2007 thereby requiring the applicant and/or any other occupants of Quarter no 69/II to vacate the same within 15 days to publication of the order.

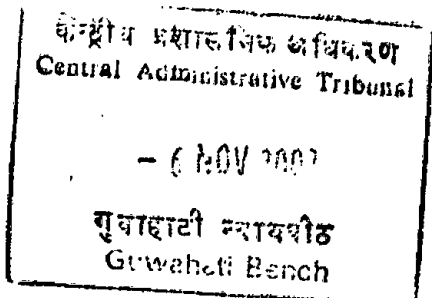
A true copy of the order dated 27/10/2007 is annexed hereto and marked as Annexure A6.

- xi) The applicant states that being a non-combatised (civilian) member of the Force, he is entitled under the various orders and circulars passed by the Government as also by the Force to retain the family quarters at Group Center Campus, C. R. P. F., Bhubaneswar and the act of the respondents in refusing to allow him to retain the quarter No 69/II and now initiating steps to forcibly evict him is not in accordance with law and is liable to be set aside and quashed.

5. Grounds for relief with legal provisions

The applicant states that the impugned Order no A.II.4/07-08-GCB-Bldg dated 1/6/2007, Order No. A.II-3/2007-08-ES-Works dated 05 October 2007 and Order no A.II.4/07-08-GCB-Bldg dated 27-10-2007 are liable to be set aside and quashed and the respondents are liable to be directed to allow the applicant to retain Quarter No. 69/II at Group Center Campus, Central Reserve Police Force, Bhubaneswar on the following amongst other grounds:

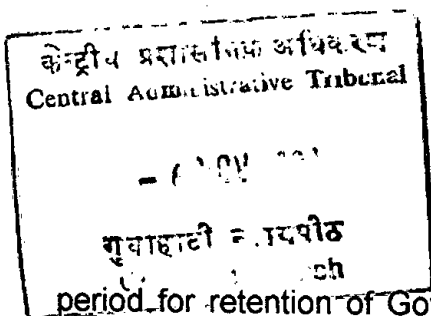
Pinak Bhushan Sharma.



5.1 For that the applicant states that as per several circulars, orders and office memorandums issued by the Government of India, the facility of retention of Government accommodation at the last station of posting by the Central Government employees posted in North-Eastern Region. The applicant herein prays to refer to Clause 2(ix) of the G.I.M.F.OM No.11(2)/97-E.II(B) dated 22.7.1998 wherein specific provisions have been made for retention of government accommodation at the place of last posting by a Central Government Employee on being posted to the North-Eastern Region. The relevant portion of the said OM is reproduced below:

"Retention of Government Accommodation at the Last Station of Posting—The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing OM No.12035/24/77-Vol.VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial modification of these orders, License Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible

Pinax Bhushan Sharma



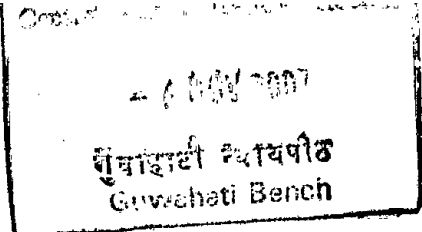
period for retention of Government accommodation prescribed in the Rules."

5.2 The applicant states that since he was posted to the North-Eastern Region in November 2005, he is entitled to retain the accommodation at Group Center Campus, Bhubaneswar for a period of three years i.e. up to November 2008. It is submitted that the refusal by the Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata is in violation of the said office memorandum and thus is liable to be struck down.

A true copy of G.I.M.F.OM No. 11(2)/97-E.II (B) dated 22.7.1998 is annexed hereto and marked as Annexure A7.

5.3 For that the applicant states as per order dated 29/8/2006, (Annexure A), the applicant was permitted to retain the accommodation in question for a period of one year or till his posting in the North-Eastern Region, whichever was earlier, i.e. at least 28/8/2007. However, the allegation that the applicant was in unauthorized and illegal occupation of the accommodation in issue was raised vide order dated 1-6-2007 by the Deputy Inspector General Of Police, Central Reserve Police Force, Bhubaneswar, i.e. even before the expiry of the term of permitted retention, thereby indicating that the same was issued without due application of mind. The impugned order directing the applicant to show cause against eviction proceedings is liable to be quashed and set aside on this ground alone.

Pinax Bhushan Sharma,



5.4 For that the applicant states that while processing the application dated 14-6-2007 made by the applicant, the Additional Deputy Inspector General of Police, Group Centre, Bhubaneswar had vide communication no R.III.2/07-08-GCB-Bldg dated 30/6/2007 had sought to furnish information to the Deputy Inspector General of Police, Central Reserve Police Force, Bhubaneswar, on the issue as per OM No. F-23014/14/96-Adm. III/BSF/PF.I dated 18-2-2002.

A true copy of the OM dated 18-2-2002 is annexed hereto and marked as Annexure A8.

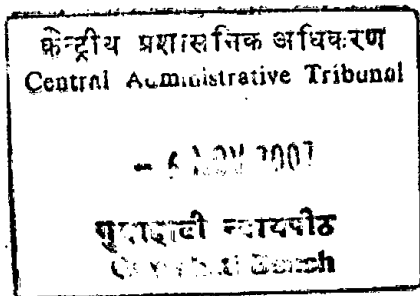
It is humbly stated that a bare reading of the said OM dated 18-2-2002 shows that it would govern Officers and non-gazetted combatised personnel of the Force. The relevant portion of the OM dated 18-2-2002 is reproduced below for ready reference:

"I am directed to convey the sanction of the President for retention of CPMF pool accommodation by officers and non-gazetted combatised CPMFs personnel at previous place of posting upon their posting to J& K and North Eastern Region as in the case of general pool accommodation. Such retention shall be subject to the following conditions :-

....."

The applicant states that vide order No. A.II-2/2003-Adm.I (Vol.8) dated 12-8-2003, the approval of the Director General was accorded to the delegation of the powers under OM dated 18/2/2002 to the Additional Director General, North-Western Zone and to all Sector Inspector General of Police with regard to the Jammu and Kashmir Region and the North-Eastern Region respectively.

Pinak Bhushan Sharma,



A true copy of the Communication dated 12-8-2003 is annexed hereto and marked as Annexure A9.

Thus, it is humbly submitted that the respondents have proceeded on a wrong premise while dealing with the case of the applicant. It is submitted that the applicant being a Central Government Servant and a civilian member of the Force, he would not be governed by orders passed for Officers and Non-gazetted Members of the Central Para Military Force (CPMF) and the G.I.M.F.OM No. 11(2)/97-E.II (B) dated 22.7.1998 would govern the case of the applicant. The impugned actions of the respondents are liable to be set aside and quashed.

5.5 For the applicant states that he is statutorily entitled to retain the accommodation in issue till the time that he is posted in the North-Eastern Region, subject to maximum three years. It is submitted that the respondents have acted arbitrarily and without due application of mind while refusing to grant retention of the accommodation in question though it has been only two years since the applicant was posted to the North-Eastern Region.

5.6 For that the applicant states that the respondents have again failed to apply their mind to the case of the applicant, inasmuch as, the fact that the children of the applicant are at a crucial stage of their academic career and in the mid-term of the session, it would not be possible for the applicant to shift his family out of the accommodation, he being posted in Arunachal Pradesh. Further the respondents have also ignored the fact the wife of the applicant is undergoing treatment at Bhubaneswar itself for chronic ailments. The Respondents have rejected the prayer of the

Pinok Bhushan Sharma.

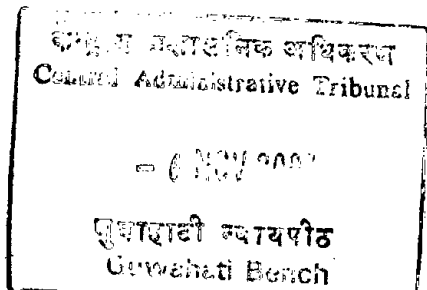
applicant by a non-speaking order passed in the most perfunctory manner.

It would be relevant to mention here that even OM no F-23014/14/96-Adm. III/BSF/PF.I dated 18-2-2002 has provided for granting permission for retention of Quarter in genuine cases having problems such as problems of education of their children, medical grounds and any other problem based on which it is considered necessary to retain the house. The respondents have not applied their mind to the present case and thus the order of rejecting the prayer for allowing retention is liable to be set aside and the respondents are liable to be directed to allow the applicant to retain the accommodation as per relevant orders/circulars and Office Memorandums passed in this regard.

5.7 For that the applicant states that the sheer illegality meted out on the applicant would be evident from the fact that while furnishing the information as required per OM dated 18-2-2002, the Additional Deputy Inspector General of Police, Group Center, Bhubaneswar has taken it upon himself to not recommend the retention of the accommodation solely on the ground that the applicant had already been permitted to retain the accommodation for a period of one year vide order dated 29/8/2006. It would be relevant to mention here that vide the same communication, the Additional Deputy Inspector General has stated that the total number of cases of retention was below 25% of available quarter, as required under the said OM dated 18-2-2002. The rejection of the prayer of the applicant to be allowed to retain the accommodation in question is thus liable to be set and quashed by this Hon'ble Tribunal.

5.8 For that the applicant states that the Central Government has permitted special dispensation in the event of transfer of a Central Civilian

Pinax Bhushan Sharma .



officer to the North Eastern Region States, Sikkim, A & N Islands and Lakshadweep who are permitted retention of entitled type of Government accommodation for the bonafide residential use by their family for the entire period of their posting. The applicant states that to the best of his information, the facility of retention of accommodation during posting in North-Eastern Region has been extended up to 30.6.2008. The applicant tenders his humble apologies to this Hon'ble Tribunal for not being able to produce the relevant circular extending the facility of retention of accommodation during posting in North-Eastern Region up to 30.6.2008. he states that he has made arrangements for procuring a copy from the relevant circular. It is submitted that the refusal of the respondents to allow the applicant to retain the accommodation in issue even though he has been posted to the North-Eastern Region cannot sustain the scrutiny of law and as such the respondents are liable to be directed to allow the applicant to retain the family accommodation till he is posted in the North Eastern Region.

5.9 For that the applicant states that to the best of his information, while the Office of the Additional Deputy Inspector General had served a notice dated 1-6-2007 on the applicant to show cause why he should not be ordered to vacate the premises in question, the same office had in its comments dated 30-6-2007 on the application filed by the applicant before the Inspector General, Eastern Sector, Kolkata had specifically opposed further retention. The same office of the Additional Deputy Inspector General has now served an eviction order on the applicant. Thus it is submitted that the in the instant case, the applicant had been clearly denied a fair trial/hearing and has been a victim of administrative injustice.

Pinark Bhushan Shrivastava

5.10 For that the applicant states that the impugned orders are not sustainable in law in any view of the matter and are liable to be quashed and set aside by this Hon'ble Court.

6. DETAILS OF REMEDIES EXHAUSTED.

The applicant states that he has availed of all the remedies available to him under the relevant rules. The applicant had filed a reply dated 14-6-2007 to the show cause notice dated 1-6-2007 served on him. The applicant had also made representation dated 14-6-2007 to the Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata. However, his application dated 14-6-2007 has been rejected vide order dated 5-10-2007 and he has been served with a eviction notice dated 27-10-2007 to vacate the quarters within 15 days from publication of the order.

7. Matters not previously filed or pending with any other Court.

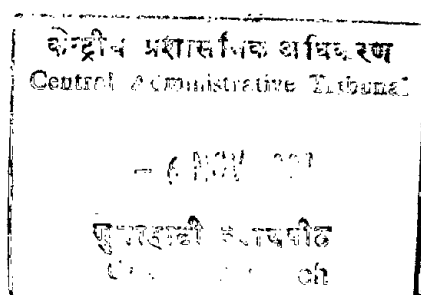
The applicant further declares that he had not previously filed any application, writ petition, or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition, or suit is pending before any of them.

8. Relief/s sought:

In view of the facts mentioned in paragraph 4 and 5 above, the applicant prays for the following relief/s:

- i. It is humbly prayed that this Hon'ble Tribunal would be pleased to quash and set aside the order No. A.II-3/2007-08-ES-Works dated 05 October 2007, passed by the office of the Inspector General of Police,

Punak Bhuchan Sharma,



Eastern Sector, Kolkata, rejecting the prayer of the applicant for retention of accommodation at Group Centre, Central Reserve Police Force, Bhubaneswar. (Annexure A5), and further direct the respondents to allow the applicant to retain the Government accommodation/General Pool Accommodation at Quarter no 69/II at Group Centre Campus, Central Reserve Police Force, Bhubaneswar, till he is posted at the North Eastern Region and in any case till three years of his being posted to the NE region is complete i.e. till November 2008 as he is entitled to the retention as per relevant circulars on the issue.

9. Interim order, if any, prayed for :

Pending final decision on the application, the applicant prays for the following interim relief:

It is humbly prayed that this Hon'ble Tribunal would be pleased to allow the applicant to continue to retain the Government accommodation at Quarter No. 69/II located at Group Centre Campus, Central Reserve Police Force, Bhubaneswar, during the pendency of this application. It is humbly stated that in the absence of interim protection by this Hon'ble Tribunal, the applicant may forcibly be evicted, in which case the applicant shall suffer irreparable loss and injury which cannot be adequately compensated in money. It is stated that the balance of convenience is in favor of passing an interim order protecting the applicant. It is stated that copies of the application and of all the documents in support of the plea for interim order has been furnished to the Central Government Counsel.

10. In the event of application being sent by Registered post, it may be stated whether the applicant desires to have oral hearing at the admission stage and if so, he shall attach a self addressed Post-Card or Inland

Pinak Bhushan Sharma,

Letter, at which intimation regarding the date of hearing could be sent to him.

The applicant states that clause 10 of the statutory format does not apply to him.

11. PARTICULARS OF BANK DRAFT/POSTAL ORDER IN RESPECT OF THE APPLICATION FEE

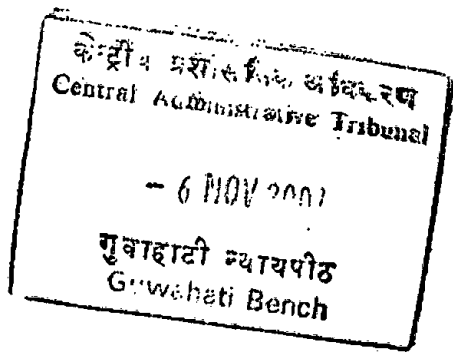
- (i) I P O number: *66F 831989, 64E 395051, 66F 831990.*
- (ii) Date: *6-11-07.*
- (iii) Issued by the Guwahati post office
- (iv) Payable at Guwahati.

12. LIST OF ENCLOSURES:

1. True copy of the communication dated 25/8/2006 bearing no A.II/3/2006-07-ES-Works (Annexure A1)
2. True copy of the show cause dated 1/6/2007 (Annexure A2)
3. True copy of the reply dated 14/6/2007 (Annexure A3)
4. True copy of the representation dated 14-6-2007 .. (Annexure A4)
5. True copy of the communication No A.II-3/2007-08-ES-Works dated 5th of October, 2007 ... (Annexure A5).
6. True copy of the order dated 27/10/2007 (Annexure A6)
7. True copy of G. I. M. F. OM No. 11(2)/97-E.II(B) dated 22.7.1998
..... (Annexure A7)
8. True copy of the OM dated 18-2-2002 (Annexure A8)
9. True copy of communication dated 12-8-2003 (Annexure A9)

---VERIFICATION---

Pinax Bhushan Sharma,

VERIFICATION

I, Pinak Bhushan Sharma, son of late Mathura Nath Sharma, aged about 52 years, working as a non-combatised Pharmacist in the Central Reserve Police Force, presently attached with 170 Battalion, posted at Arunachal Pradesh, resident of Village: Gomura, Post Office: Sarthebari, in the District of Barpeta, Assam do hereby verify that the contents of paragraphs number 1, 4(i) to 4(x), 6, 7, 8, 9, 10, 11, and 12... are true to my personal knowledge and the contents of paragraphs 4, 5, 4(xi) and 5. believed to be true on legal advice and that I have not suppressed any material fact.

Date: 4/11/2007

Pinak Bhushan Sharma,

Place: Guwahati

Signature of the applicant.

ANNEXURE A1.**OFFICE OF THE INSPECTOR GENERAL , ES, CRPF, KOLKATA**No. A.II.3/2006-07-ES-Works
2006

Dated, the August

To

The DIGP
CRPF, Bhubaneswar.

Subject: RETENTION OF GOVT. QUARTER.

Please refer to your letter No. A.II.1/2006-07(sic) dated
17/8/2006.

2. The case has been examined in the light of the instructions contained in MHJA OM No. F-23014/14/96-Adm. III/BSF/PF.I dated 18/2/2002 read with DIGP (Adm) DTe Genl. CRPF Ltr. No. A-II-2/2—3-Adm I (Vol 8) dated 12/8/2003. I am directed to convey the permission of the IGP ES to No. 771560057 Pharmacist PB Sharma and No. 850826533 HC/GD MB Rao of 170 Bn., CRPF Arunachal Pradesh (NE Region) for retention of their quarters at GC. CRPF, Bhubaneswar for a period of one year till posting in 170 Battalion in Arunachal Pradesh (NE Region) whichever is earlier.

(SS SANDHU)

Addl. DIG (Prov & Accts)

For IGP, ES, CRPF, Kolkata.

No. A.II.3/2006-07-ES-Works
2006

Dated, the August

Copy forwarded for information and necessary action to:-

1. The Addl. DIGP, GC, CRPF, Bhubaneswar.
2. The Commnandnat -170 BN CRPF (at location)

Sd/-27/8.

SS SANDHU)

Addl. DIG (Prov & Accts)

For IGP, ES, CRPF, Kolkata.

This is a true copy of the original document
Rajesh Hegde
Advocate
6/11.

ANNEXURE A2

OFFICE OF THE ADDL. DIGP, GROUP CENTRE, CRPF,
BHUBANESWAR, ORISSA.

NO. A.II.4/07-08-GCB-Bldg
 2007

Dated the June

Notice under section (1) and Clause (b) (ii) of Sub-Section (2) of Section 4 of the Public Premises (Eviction of unauthorized Occupants) Act, 1971.

To

No.771560057 Phar. P.B. Sharma of 170 Bn.
 (Through the Commandnat, 170 Bn, CRPF)

Whereas I, the undersigned am of the opinion on the ground specified below that you are in unauthorized occupation of the Public Premises mentioned in the Schedule below and that you should be evicted from the said premises:-

GROUND

You were allotted quarter No. 69/II on 26.3.99. Thereafter you were permitted to retain quarter upto 31.5.06 vide this office order No. A.II.405-06-GCB-Bldg. dated 2.9.05. In the meantime you again applied for retention of quarter to the IGP ES, CRPF, Kolkata and accordingly permitted to retain quarter for a period of one year or till your posting in NE Region whichever is earlier but till date you have not vacated the quarter and availed the facility for more than 08 years. Therefore occupation of family quarter is unauthorised and illegal.

Now, therefore, in pursuance of sub-section (1) of section 4 of the Act, I hereby call upon you to show cause on or before 15.6.07 why such an order eviction should not be made.

This is a true copy of the original document.
Rajesh K. Sharma
6/11.

And in pursuance of clause (b)(ii) of sub-section 4, I also call upon you to appear before me in person or through a duly authorized representative capable to answer all material questions connected with the matter alongwith the evidence which you intend to produce in support of the cause shown on or before 15/6/07 at 1000 hrs for personal hearing. In case, if you fail to appear on the said date and time, the case will be decided ex-parte.

SCHEDULE

QTR. No. 69/II

(G.S.MASTANA)

DEPUTY INSPECTOR GENERAL OF POLICE

NO. A.II.4/07-08-GCB-Bldg
2007

Dated the June

Copy forwarded to the Commandant-170 Bn, CRPF in duplicate with the request to hand over original copy to the above individual and obtain his signature on second copy as token of receipt and the signed copy may be returned to this office at the earliest for our record please.

Sd/-


(G.S.MASTANA)

DEPUTY INSPECTOR GENERAL OF POLICE

Internal

R. p. Havildar with the direction that one copy of this notice should be pasted on the Main Door of the said Govt. Qtr.

ANNEXURE A 3

TO

The Addl. DIGP
Group Centre, CRPF
Bhubaneswar.

[Through proper channel]

Sub:

RETENTION OF GOVT FAMILY ACCOMMODATION.

Respected Sir,

2. With profound respect, it is humbly submitted that in am in occupation of Govt. Quarter No. 69, Block-3, Type II at GC CRPF Campus Bhubaneswar. I have been issued with a show cause/eviction notice vide your office letter No. A-II-4/07-08-GCB-Bldg dated 1/6/07 which is received by me on 7/6/07 while availing leave at GC Campus, Bhubaneswar.

2. In this connection, I humbly submit that my elder son is studying in B'Tech IIIrd year and younger son is studying in class 11th at K.V. -II CRPF Campus Bhubaneswar. Since my family is residing at GC Campus Bhubaneswar at above allotted Govt. accommodation, my children are pursuing studies from Bhubaneswar and requirement of above allotted accommodation is essential for me to enable my children in pursuing their higher studies. It is very difficult for me to shift my family and children to my place of posting at Itanagar, Arunachal Pradesh in NE Region and there is no Govt. accommodation at GC, CRPF Siliguri to which 170 Bn. is affiliated.

3. In this regard, I have applied to the Hon'ble IGP, Eastern Sector, CRPF, Kolkata for according permission to allow me to retain above accommodation till my posting in N.E. Region vide application of date.

4. it is therefore requested that my case may kindly be considered sympathetically and I may be permitted to continue retention of above Govt. accommodation till receipt of orders from IGP, Eastern Sector, CRPF Kolkata so that my children may continue their studies without interruption.

I shall be grateful to you for this kind act.

Yours faithfully,
Sd/- (illegible) 14/06/07
No. 771560057
Pharmacist,
PB Sharma
170BN, CRPF
Itanagar, ACP.

This document is a true copy of the original document.

*Rajesh Prasad
Advocate
6/11.*

ANNEXURE A4

TO

Inspector General of Police
Eastern Sector, CRPF
Kolkata, West Bengal.

(THROUGH PROPER CHANNEL)

Sub: RETENTION OF FAMILY ACCOMMODATION.

Sir,

With profound respects, it is humbly submitted that I am in occupation of Govt. Family Qtr. No. 69/Type -II in GC Campus, Bhubaneswar since March/1999. The quarter was allotted to me during 3/99 when I was posted in 43 Bn. Deployed in NE Region. During summer chain of 2004 I was applied for transfer to GC BBSR for education of my children and treatment of my wife but due to non existence of vacancy in GC BBSR I was posted to 170 Bn. Which was newly raised at BBSR and GC BBSR was Foster GC. Now, the Bn is placed under Adminisitrative Control of DIGP, CRPF Siliguri and attached with GC, CRPF, Siliguri, a newly raised GC and presently the unit is deployed in Arunachal Pradesh. Though I have completed the prescribed time for retention of same family quarter at GC Campus, CRPF, BBSR, the Addl. DIGP BBSR was kind enough for retention of same accommodation upto 331/5/06 vide O/O No. A-II-4/05-06-GCB-BLDG dated 2/9/05 as the Bn was stationed at GC BBSR at that time. Your Excellency has also been kind enough and granted me retention of above accommodation for one year vide letter No. A-II-3/06-07-ES-Works dated 29/8/06.

2. Now my elder son is studying in 3rd year B^oTech and younger son is studying in class 11th in K.V-II, CRPF Campus, BBSR. I have received a show cause notice for eviction of above accommodation vide Addl. DIGP, GC, CRPF, BBSR letter No. A-II-4/07-08-GCB-Bldg dated 1/6/07 for vacation of above accommodation.

3. In this regard it is submitted that presently my elder son is pursuing professional studies in Orissa and younger son is studying in clas 11th. It is difficult for me to shift my family from GC, CRPF Bhubaneswar and also otherwise it will adversely affect the career of my children. At the same time my wife is suffering from chronic ailment degeneration of cervical bones' and is under continuous medical

This is a true copy of the original document.
Rajesh Maganla
6/11.

treatment at Central Reerach Institute (Ayurveda) BBSR. The treatment is proved as effective in her case and she further requires continuation of treatment at said hospital for full recovery from the ailment. In case of vacation of quarter, I will be bound to keep my family outside GC campus BBSR and compelled to bear huge expenditure on account of house rent. In this event it will be impossible for me to continue studies of my children as expenditure of house rent cannot be met out of my meager salary. Besides, above since I am posted to NE region I am entitled to retain above government accommodation at GC, CRPF, BBSR as per instructions contained in Dte. Genl CRPF letter No. A-II-2/03-Adm-I(Vol 8) dated 12/8/03.

4. In view of above facts, I earnest ly request your honour to kindly considrer my case and allow me to retain above Govt. accommodation at GC, CRPF, BBSR till I am posted in NE Region.

I shall be ever obliged for this act of kindness please.

Yours faithfully,
Sd/-(illegible) 14/06/07
No. 771560057
Pharmacist, PB Sharma
170BN, CRPF, Itanagar, (ACP).

Copy to:-

1) The Addl. DIGP GC CRPF, Bhubaneswar, Orissa.

Sd/-(illegible) 14/06/07
No. 771560057
Pharmacist, PB Sharma
170BN, CRPF, Itanagar, (ACP).

668
18/10

OFFICE OF THE INSPECTOR GENERAL, ES, CRPF, KOLKATA.
 No. A.II-3/2007-08-ES-Works

Dated, the October '2007.

To

The DIGP,
CRPF, Bhubaneswar.

Subject: RETENTION OF GOVT. QUARTERS.

Please refer to your letter No. A.II-1/2007-08-Prov dated 17/5/2007.

2. Cases for retention of Govt. quarters at GC Bhubaneswar forwarded vide your letter under reference have been examined and I am directed to convey the permission of the IGP to No. 871311111 HC/GD S.K. Bhagat of 52 BN, No.761260177 SI/MT Narayan Choudhury of 149 BN, No.880688566 SI/RU Sibendra Nayak of 52 BN, No.710609759 HC/GD J.C. Nayak of 149 BN and No.810650889 HC/GD D.C. Sahoo of 149 BN, CRPF for retention of their quarters at GC Bhubaneswar for one year or till posting in their concerned units in NE/J&K regions whichever is earlier.

3. Cases in r/o No. 841650013 Pharm. B.G. Panda of 170 BN, No.771560037 Pharm. P.R. Sharma of 170 BN, No.850826533 HC/GD M.B. Rao of 170 BN, No.800644157 HC/GD P.K. Swain of 178 BN, No.991650026 ASI(M) K.K. Nayak of 177 BN, No.921260144 CT/GD P.K. Swain of 178 BN, No.880961658 HC/GD R.K. Nath of 52 BN, No.841270054 SI/GD K.C. Mahari of 170 BN (Trfd. to CTC-III), No.841270125 HC/GD S.S. Ali of 170 BN, No.880961403 HC/GD Bahram Sethi of 170 BN, No.891261109 HC/GD H.S. Patra of 170 BN and No.740260063 HC/GD S.R. Paul of 170 BN, CRPF have been considered but rejected by the IGP.

(R.N. MISRA)
Addl. DIG(Prov & Accts)
for IGP, ES, CRPF, Kolkata.

No. A.II-3/2007-08-ES-Works
Copy forwarded for information and necessary action to:-

Dated, the 05 October '2007

1. The Addl. DIGP, GC, CRPF, Bhubaneswar/Siliguri.
2. The Commandant - 52 BN/149 BN/170 BN/177 BN/178 BN CRPF (at location)

A
17/10

RECEIVED

17/10

AB

17/10

(R.N. MISRA)
Addl. DIG(Prov & Accts)
for IGP, ES, CRPF, Kolkata

This is a true copy of the original document
 Rajendra Prasad
 6/11.

ANNEXURE A6

OFFICE OF THE ADDL. DIGP, GROUP CENTRE, CRPF,
BHUBANESWAR, ORISSA.

NO. A.II.4/07-08-GCB-Bldg
 2007

Dated the Oct.

To

No. 771560057 Phar. P.B. Sharma of 170 Bn.
 (Through the Commandnat, 170 Bn, CRPF)

Sub: **NOTICE FOR VACATION OF GOVT. FAMILY QTR. NO**
69/II

In continuation to this office ltr of even No., dated
 1.6.07.

Whereas I, the undersigned am of the opinion on the ground
 specified below that you are in unauthorized occupation of the
 Public Premises mentioned in the Schedule below and that you
 should vacate the said premises.

GROUND

You were allotted quarter No. 69/II on 26.3.99. Thereafter
 you were permitted to retain quarter upto 31.5.06 vide this office
 order No. A.II.405-06-GCB-Bldg. dated 2.9.05. In the meantime
 you again applied for retention of quarter to the IGP ES, CRPF,
 Kolkata and accordingly permitted to retain quarter for a period of
 one year or till your posting in NE Region whichever is earlier .
 You again applied for retention of quarter to the IG, ES CRPF
 Kolkata which has been rejected vide IGP ES Kolkata letter No.
 A.II.3/07-08-ES-Works dated 5.10.07. as on date you have availed
 the facility for more than 09 years and failed to vacate the quarter
 till date therefore occupation of family quarter is unauthorised and
 illegal.

This is a true copy of the original documents.
Rajesh Kumar
Advocate
6/11.

Now, therefore, in exercise of the powers conferred on me under sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, I hereby order the said No. 771560057 Phar. P.B. Sharma of 170 Bn. And all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within 15 days of the date of publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said No. 771560057 Phar. P. B. Sharma of 170 Bn. And all other persons concerned are liable to be evicted from the said premises if needed be by the use of such force as may be necessary or orders for market rate recover will be issued by the undersigned.

Name of occupation: No. 771560057 Phar. P.B.Sharma of 170 Bn.

Qtr. No. 69/II

Market rent -Rs. 2941/- pm.

(B.S.GILL)

ADDL. DIGP CUM ESTATE

OFFICER

NO. A.II.4/07-08-GCB-Bldg
2007

Dated the Oct.

Copy forwarded to the Commandant-170 Bn, CRPF in duplicate with the request to hand over original copy to the above individual and obtain his signature on second copy as token of receipt and the signed copy may be returned to this office at the earliest for our record please.

Sd/-

27.10.07

(B.S.GILL)

ADDL. DIGP CUM ESTATE OFFICER

Internal

R. p. Havildar with the direction that one copy of this notice should be pasted on the Main Door of the said Govt. Qtr.

ANNEXURE A7

Copy of G.I.M.F.OM No.11(2)/97-E.II(B) dated 22.7.1998—Allowances and facilities for employees serving in N.E. Region and A&N, Lakshadweep Islands enlarged and extended to Sikkim, from 1.8.1997— Quantum ceiling on Special (Duty) Allowance and aggregate of allowances removed – Emergency Passage Concession introduced

With a view to attracting and retaining competent officers for service in the North-Eastern Region, comprising the territories of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura, orders were issued in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983 extending certain allowances and other facilities to the Civilian Central Government employees serving in this region. In terms of Paragraph 2 thereof, these orders other than those contained in Paragraph 1 (iv) *ibid* were also to apply *mutatis mutandis* to the Civilian Central Government employees posted to the Andaman & Nicobar Islands. These were further extended to the Central Government employees posted to the Lakshadweep Islands in this Ministry's OM of even number dated March 30, 1984. The allowances and facilities were further liberalized in this Ministry's OM No.20014/16/86/E.IV/E.II(B) dated December 1, 1988 and were also extended to the Central Government employees posted to the North-Eastern Council when stationed in the North-Eastern Region.

2. The Fifth Central Pay Commission have made certain recommendations suggesting further improvements in the allowances and facilities admissible to the Central Government employees, including Officers of the All India Services, posted in the North-Eastern Region. They have further recommended that these may also be extended to the Central Government employees, including Officers of the All India Services, posted in Sikkim. The recommendations of the Commission have been considered by the Government and the President is now pleased to decide as follows:

- (i) *Tenure of Posting/Deputation*—The provisions in regard to tenure of posting/deputation contained in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983, read with OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.
- (ii) *Weightage for Central Deputations/Training Abroad and Special Mention in Confidential Records* – The provisions contained in this Ministry's OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.
- (iii) *Special (Duty) Allowance* – Central Government Civilian employees having an "All India Transfer Liability" and posted to the specified Territories in the North-Eastern Region shall be granted the Special (Duty) Allowance at the rate of 12.5 per cent of their basic pay as prescribed in this Ministry's OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988, but without any ceiling on its quantum. In other words, the ceiling of Rs.1,000 per month currently in force shall no longer be applicable and the condition that the aggregate of the Special (Duty) Allowance plus Special Pay/Deputation (Duty) Allowance, if any, will not exceed Rs.1,000 per month shall also be dispensed with. Other terms and conditions governing the grant of this Allowance shall, however, continue to be applicable.

This is a true copy of the original document
Rajesh Hazarika
Advocate
6/11

M.V. 05

In terms of the orders contained in this Ministry's OM No.20022/2/88-E.II(B) dated May 24, 1989, Central Government Civilian employees having an "All India Transfer Liability" and posted to serve in the Andaman Nicobar and Lakshadweep Groups of Islands are presently entitled to an Island Special Allowance at varying rates in lieu of the Special (Duty) Allowance admissible in the North-Eastern Region. This Allowance shall continue to be admissible to the specified category of Central Government employees at the same rates as prescribed for the different specified areas in the OM dated May 24, 1989, but without any ceiling on its quantum. This Allowance shall also henceforth be termed as Island Special (duty) Allowance. Separate orders in regard to this Allowance have been issued in this Ministry's OM No.12(1)/98-E.II(B) dated July 17, 1998.

Attention is also invited in this connection to the clarificatory orders contained in this Ministry's OM No.11(3)/95-E.II(B) dated January 12, 1996 which shall continue to be applicable not only in respect of the Central Government employees posted to serve in the North-Eastern Region but also to those posted to serve in the Andaman & Nicobar and Lakshadweep Groups of Islands.

- (iv) *Special Compensatory Allowances* – Orders in regard to revision of the rates of various Special Compensatory Allowances, such as, Remote Locality Allowance, Bad Climate Allowance, Tribal Area Allowance, Composite Hill Compensatory Allowance, etc., which are location-specific, have either been separately issued or are under issue based on the Government decisions on the recommendations of the Fifth Central Pay Commission relating to these allowances. These orders shall apply to the eligible Central Government employees posted in the specified localities in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands, depending on the area(s) of their posting and subject to the observance of the terms and conditions specified therein. Such of those employees who are entitled to the Special (Duty) Allowance or the Island (Special Duty) Allowance shall also be entitled, in addition, to the Special Compensatory Allowance(s) as admissible to them in terms of these separate orders. Central Government employees entitled to Special Compensatory Allowances, separate orders in respect of which are yet to be issued, will continue to draw such allowances at the existing rates with reference to the 'notional' pay which they would have drawn in the applicable pre-revised scales of pay but for the introduction of the corresponding revised scales till the revised orders are issued on the basis of the recommendations of the Fifth Central Pay Commission and the Government decisions thereon.
- (v) *Travelling Allowance on First Appointment*—The existing concessions as provided in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983 and further liberalized in OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988, shall continue to be applicable.
- (vi) *Travelling Allowance for Journeys on Transfer, Road Mileage for Transportation of Personal Effects on Transfer; Joining Time with Leave*—The existing provisions as contained in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable.
- (vii) *Leave Travel Concession*—In terms of the existing provisions as contained in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983, the following options are available to a Government servant who leaves his

family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for the family:

- (a) the Government servant can avail of the leave travel concession for journey to the home town once in a block period of two years under the normal Leave Travel Concession Rules;

OR

- (b) in lieu thereof, the Government servant can avail of the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family (restricted only to the spouse and two dependent children of age up to 18 years in respect of sons and upto 24 years in respect of daughters) also to travel once a year to visit the Government servant at the station of posting.

These special provisions shall continue to be applicable.

In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families (spouse and two dependent children) to travel either to the home town or the station of posting in an emergency. This shall be over and above the normal entitlements of the employees in terms of the OM dated December 14, 1983, and the two additional passages under the Emergency Passage Concession shall be availed of by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

Further, in modification of the orders contained in this Ministry's OM No. 20014/16/86-E.IV/E.II(B) dated December 1, 1988, Officers drawing pay of Rs.13,500 and above and their families, i.e., spouse and two dependent children (up to 18 years in respect of sons and up to 24 years in respect of daughters) will be permitted to travel by air on Leave Travel Concession between Agartala/Aizawl/Imphal/Lilabari/Silchar in the North-East and Calcutta and *vice versa*; between Port Blair in the Andaman & Nicobar Islands and Calcutta/Madras and *vice versa*; and between Kavaratti in the Lakshadweep Islands and Cochin and *vice versa*.

- (viii) *Children Education Allowance and Hostel Subsidy* – The existing provision as contained in this Ministry's OM No.20014/3/83-E.IV dated December 14, 1983 shall continue to be applicable. The rates of Children Education Allowance and Hostel Subsidy having been revised in the Department of Personnel & Training OM No.21017/1/97-Estt.(Allowances) dated June 12, 1998 (vide Sl.No.164 of Swamysnews, August, 1998), the Allowance and subsidy shall be payable at the revised monthly rates of Rs.100 and Rs.300 respectively per child.
- (ix) *Retention of Government Accommodation at the Last Station of Posting*— The facility of retention of Government accommodation at the last station of posting by the Central Government employees posted to the specified territories and whose families continue to stay at that station is available in terms of the orders contained in the erstwhile Ministry of Works & Housing OM No.12035/24/77-Vol.VI dated February 12, 1984, as amended from time to time. This facility shall continue to be available to the eligible Central Government employees posted in the North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands. In partial

modification of these orders, Licence Fee for the accommodation so retained will be recoverable at the applicable normal rates in cases where the accommodation is below the type to which the employee is entitled to and at one and a half times the applicable normal rates in cases where the entitled type of accommodation has been retained. The facility of retention of Government accommodation at the last station of posting will also be admissible for a period of three years beyond the normal permissible period for retention of Government accommodation prescribed in the Rules.

- (x) *House Rent Allowance for Employees in Occupation of Hired Private Accommodation*—The orders contained in this Ministry's OM No.11016/1/E.II(B)/84 dated March 29, 1984, and extended in this Ministry's OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988 shall continue to be applicable.
- (xi) *Retention of Telephone Facility at the Last Station of Posting*—As provided in this Ministry's OM No.20014/16/86-E.IV/E.II(B) dated December 1, 1988, Central Government employees who are eligible for residential telephones may be permitted to retain their residential telephone at their last station of posting, provided the rental and all other charges are paid by the concerned employees themselves.
- (xii) *Medical Facilities*—Families and the eligible dependants of Central Government employees who stay behind at the previous stations of posting on the employees being posted to the specified territories shall continue to be eligible to avail of CGHS facilities at stations where such facilities are available. Detailed orders in this regard will be issued by the Ministry of Health & Family Welfare.

3. The President is also pleased to decide that these orders, in so far as they relate to the Central Government employees posted in the North-Eastern Region, shall also be applicable *mutatis mutandis* to the Civilian Central Government employees, including Officers of the All India Services, posted to Sikkim.

4. These orders will take effect from August 1, 1997.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

ANNEXURE A8

No. F-23014/14/96-Adm. III/BSF/PF.I

Government of India/ Bharat Sarkar
Ministry of Home Affairs. / Grih Mantralaya.

North Block, New Delhi.
Dated the 18th Feb' 2002.

Office Memorandum

Sub: Retention of CPMF Pool Accommodation at the last place of posting by CPMF officer and men posted to J&K and NE Region.

I am directed to convey the sanction of the President for retention of CPMF pool accommodation by officers and non-gazetted combatised CPMFs personnel at previous place of posting upon their posting to J& K and North Eastern Region as in the case of general pool accommodation. Such retention shall be subject to the following conditions :-

- (i) Retention/allotment of quarter shall be purely on merit and each case should have specific recommendation of DIG/IG of the respective Sector/Frontier in which the personnel was posted, where the quarters is to be retained.
- (ii) The total number of such cases of retention /allotment shall be restricted to 25% of the available quarter in each category only.
- (iii) Retention of the same accommodation may be permitted only if the house is not a reserved house for specific use against post of Comdt/DIsG/IsG, etc. In case of an earmarked house, the concerned officer will not be allowed to retain the earmarked accommodation since it has to be made available to the person actually appointed to that post. In such cases, the outgoing officer would be entitled for allotment of a separate quarter, which would be one type below his entitlement subject to availability, within the quota of 25%.
- (iv) All cases for retaining of the house will be sent well in advance and no body shall be allowed to retain the house without getting specific permission from the DG of the force.
- (v) Only genuine cases having problems, such as problems of education of their children, on medical grounds or any other specific problem based on which it is necessary to retain the house

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Rajiv Prasad
2/10/

by the DIG/IG will be sent for permission of DG by the respective Ftr. HQrs.

- (vi) The maximum period of retention of quarter will be 3 years as specified in Dte. Of Estates OM no 12035/31/96-POL-II dated 7/9/98. Normal license fee shall be payable by officers for the period of retention. Non-gazetted combatised personnel shall be allowed to retain the quarter on rent free basis since they are entitled to rent free accommodation as per rules.
- (vii) Notwithstanding the conditions mentioned above, the DG of the Force shall have full powers to cancel the allotment/retention of quarter at any time without assigning any reasons.
- 2. All the other terms and conditions governing the allotment, occupation, retention and eviction of Government accommodation shall continue to be applicable.
- 3. These orders will be effective from the date of issue of these orders.
- 4. This issues with the approval of IFD vide their Dy. No. 471 (sic) dated 11.2.2002.

Sd/- (illegible)
 Rakesh Kumar Gupta
 Dierctor (PF).

ANNEXURE A 9**DIRECTORATE GENERAL: C.R.P.F****BLOCK NO.1 C.G.O. COMPLEX, LODHI ROAD, NEW DELHI -110 003**

No. A-II-2/2—3-Adm I (Vol 8)

dated

12/8/2003

To

The Addl DG NWZ, NWZ, CRPF, Chandigarh.

The IsGP, BS, CS, ES, NES, WS, NS, RAF, Spl. Sector, SS, (Ops) Jammu, Tripura, M& N, SNR. Director/IGP, ISA, CRPF, Mount Abu (Raj).

All DisGP, CRPF, Principal/All Addl. DisGP,

All BHs, all Units including Signal /RAF/SDG.

Sub:- RETENTION OF CPMF POOL ACCOMMODATION AT THE LAST
PLACE OF POSTING BY CPMF OFFICERS AND MEN POSTED TO
J&K AND NE REGION.

MHA, vide their OM No. F-23014/14/96-Adm.III/BSF/PF.I dated 18/2/02 forwarded to all CRPF formations vide this Dte letter of even number dated 5/3/03, have conveyed the sanction of the President for retention of CPMF Pool accommodation by officers and non-gazetted combatised CPMF personnel at previous place of posting upon their posting to J&K and NE Region as in the case of General Pool Accommodation. One of the conditions laid down for such retention in the said OM is that all cases for retaining of the house will be sent well in advance and nobody shall be allowed to retain the house without getting specific permission from the DG of the Force.

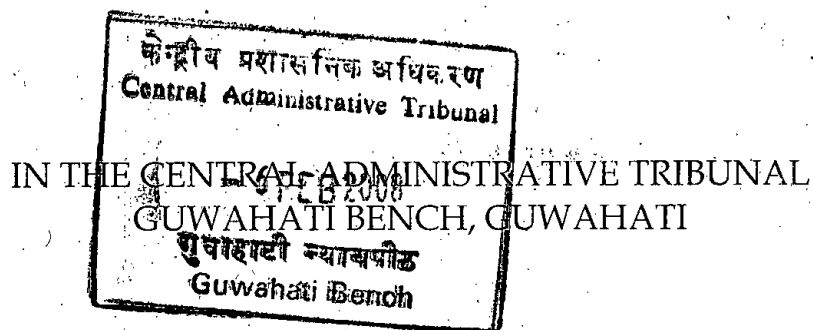
2. As there would be a large number of cases wherein the officers and other ranks would seek such retention of CRPF Pool accommodation on their posting to J&K and NE States, the process of getting the recommendations of the GC (Estate Officer), DIG and IG would take a very long time. As per the departmental instructions, the personnel transferred out need to be relieved within a period of 20 days. This process of obtaining prior approval of the DG is likely to affect the relief of personnel on transfer. To obviate this delay, I am directed to convey the approval of the DG delegating his powers to ADG NWZ and all Sector IsG for granting specific permission to retain the house at the last place of posting on transfer of the personnel to J&K and NE Region. All the other conditions laid down in the said OM of MHA will be applicable.

Sd/-

(illegible)

DIGP (ADM)

This is a true copy of the original document.
Rajesh Rajan
6/11.



IN THE MATTER OF :

O.A.NO. 285/2007

Pharm Pinak Bhushan Sharma.

...Applicant

- Versus -

Union of India & Ors.

.....Respondents

- AND -

IN THE MATTER OF :

Written Statement submitted by the
respondents No. ✓

WRITTEN STATEMENT

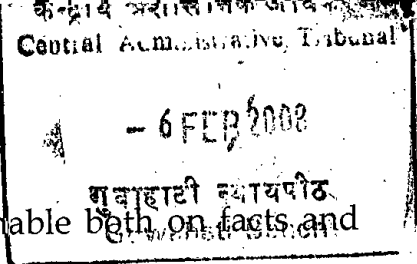
The humble answering respondents
submitted their Written statement as
follows:

1.(a) That I am SH. JOGINDRA SINGH, S/O SH.
HARPAL SINGH aged about 54 years presently serving
as ADDL DIGP, GC, CRPF, Guwahati. I have gone through a copy
of application served on me and have understood the contents thereof.
Save and except whatever is specifically admitted in this written
statement, the contentions and statements made in the application may be
deemed to have been denied. I am competent and authorized to file the
Written statement on behalf of all the respondents.

অপার ডিউটি উপ-মহানিরীক্ষক
ADDL. D.I.G.P. GC, C.R.P.F.
প. প. কেন্দ্র কোরিংপুংবল গুৱাহাটী-23
GUWAHATI-23 (ASSAM)

Service copy
attached herewith
5/2/08

Copy by
The Respondent
M. V. Ahmed
5/2/08



(b) The application is filed unjust and unsustainable both on facts and in law.

(c) That the application is also hit by the principles of waiver estoppel and acquiescence and liable to be dismissed.

(d) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

2. Brief History of the case which may be taken as an integral part of the written statement :-

(i) No. 771560057 Pharm Pinak Bhushan Sharma was allotted Govt. family quarter No. 69, Type-II at Group Centre, CRPF, Bhubaneswar on 26.03.1999 while posted in 43 Battalion when the Battalion was deployed in NE region. (Headquarter is Group Centre, CRPF, Bhubaneswar) for a period of three years. Further he was permitted to retain the Quarter upto 30.6.2005 vide this Group Centre Office Order No.A-II-4/04-GCB-Bldg dated 18.10.2004 and again retention was permitted upto 31.5.2006 vide this office order No.A-II-4/2005-06-GCB-Bldg dated 2.9.2005. As he ^{failed} filed to vacate the Govt. family quarter No.69/Type-II show cause notice was issued to him on 8.6.2006 followed by vacation notice dated 30.6.2006. But he did not vacate the allotted family quarter at Group Centre, CRPF, Bhubaneswar. Accordingly, he had been declared as unauthorized occupants of Govt. family quarter with effect from 16.7.2006 and market rent recovery @ Rs.2941/p.m w.e.f. 16.7.2006 was ordered vide this office order No.R-III-2/05-06-GCB-Bldg

अपर पुलिस उप-महानिरीक्षक
ADDL. D.I.G.P. GC, C.R.P.F.
ए.प. केन्द्र के.रि.पु.बल गुवाहाटी-23
GUWAHATI-23 (ASSAM)


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गुवाहाटी न्यायपीठ
Guwahati Bench

dated 7.8.2006. In response to this office order dated 7.8.2006 he had applied for retention of Govt. family quarter at GC, CRPF, BBSR to the IGP E/S, CRPF, Kolkata in accordance with provision contained in GOI MHA OM No. F-23014/14/96-Adm-III/BSF/PEL dated 18.02.2002. In turn IGP E/S, CRPF, Kolkata vide their letter No. A-II-4/2006-07-ES-Works dated 29.8.2006 had permitted to the aforesaid petitioner to retain Govt. family quarter No.69, Type-II at GC CRPF, Bhubaneswar for a period of one year or till he posted to NE Region whichever is earlier but he failed to vacate the allotted Govt. family quarter show cause notice was issued to him vide this office letter No. A-II-4/2007-08-GCB-Bldg dated 01.06.2007. In the meantime he had again applied for retention of aforesaid Govt. family quarter to the IGP E/Sector, CRPF, Kolkata which has been turned down and rejected by the IGP E/Sector, CRPF, Kolkata vide this letter No.A-11-3/2007-08-ES-Works dated 5.10.2007. Thereafter, this Group Centre vide letter No.A-II-4/2007-08-GCB-Bldg dated 27.10.2007 issued vacation notice to aforesaid petitioner as he had already availed the facility for more than 8 years and 8 months.

(ii) As per broad outlines for allotment and occupation of family accommodation issued vide DIG(Adm) Dte. Général, CRPF letter No.A-II-2/95-99-Adm-I(Vol-V) dated 07.01.2000 read with letter No.A-II-2/95-2000-Adm-I-Vol-V dated 10.4.2000, the maximum retention period of quarter is 5 years.

(iii) Since the prescribed time limit for retention of Govt. quarter has been completed being the date of allotment of Govt. family quarter on 26.3.1999 and he failed to vacate the allotted Govt. family quarter in


 ADDL. D.I.G.P. GC, C.R.P.F.
 गु.प. केन्द्र के.रि.पु.बल गुवाहाटी-23
 GUWAHATI-23 (ASSAM)

- 6 FEB 2008

गुवाहाटी न्यायाधीश

Guwahati Bench

question, this Group Centre vide letter No.A-II-4/2007-08-GCB-Bldg dated 27.10.2007 issued vacation notice to aforesaid petitioner as he had already availed the facility for more than 8 years and 8 months. It is worth mentioning that in the larger interest, the policy was formed to share the available family accommodation turn-wise so that maximum persons could stay with their families in rotation.

(iv) As he failed to vacate the allotted family quarter, he was further directed to vacate the said quarter within 15 days vide notice No. A-II-4/2007-08-GCB-Bldg dated 27.10.2007, failure of which eviction proceedings will be initiated or market rent recovery imposed as desired by the competent authority.

3. That with regard to the statements made in paragraphs 1, 2, and 3 of the application, the answering respondents beg to state that they do not admit anything which is beyond record and under the jurisdiction of this Hon'ble Tribunal. The applicant is put to strict proof thereof.

4. That with regard to the statements made in paragraph 4 of the application, the answering respondents beg to state that the averments made in sub para (i) and (ii) do not need any reply being matter of records.

In reply to sub-para (iii) it is submitted that Pharm Pinak Bhushan Sharma ^{was} has posted in 170 Battalion (new raised Battalion) during 2004 and after completion of basic training of 170 Battalion newly appointed recruits the aforesaid unit was deployed in North Eastern State of Arunachal Pradesh during Novemer, 2005 for law and order duties. Now 170 Battalion is attached under the administrative control of Group Centre, Siliguri, West Bengal.

In reply to para (iv) No. 771560057 Pharm Pinak Bhushan Sharma was allotted Govt. family quarter No. 69, Type-II at Group Centre, CRPF, Bhubaneswar on 26.3.1999 while posted in 43 Bn when Battalion was deployed in N.E.Region (Headquarter is Group Centre, CRPF, Bhubaneswar) for a period of three years. Further he was permitted to retain Govt. family quarter upto 30.6.2005 vide this Group Centre Office Order No. A-II-4/4-GCB-Bldg dated 18.10.2004. Again he was permitted to retain Govt. family quarter upto 31.5.2006 vide this office order No. A-II-4/2005-06-GCB-Bldg dated 2.9.2005.

(v) But he did not vacate the allotted family quarter at Group Centre, CRPF, Bhubaneswar. Accordingly, he had been declared as unauthorized occupants of Govt. family quarter w.e.f. 16.7.2006 and market rent recovery @ Rs. 2941/p.m. w.e.f. 16.7.2006 was ordered vide this office

केन्द्रीय प्रशासनिक अधिकार्या
Central Administrative Office

order No. R-III-2/05-06-GCB-Bldg dated 7.8.2006, in response to this office

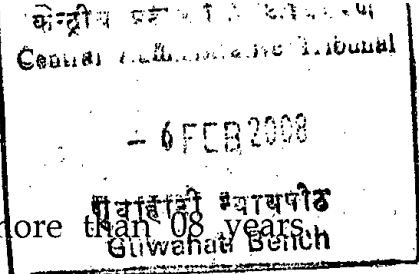
- 6557 dated 7.8.2006. he had applied for retention of Govt. family quarter

गुवाहाटी न्यायपीठ
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at GC, CRPF, BBSR to the IGP E/S, CRPF Kolkata in accordance with provision contained in GOI MHA OM No. F-23014/14/96-Adm-III/BSF/PEL dated 18.02.2002. In turn IGP E/S, CRPF, Kolkata vide their letter No. A-II-4/2006-07-ES-Works dated 29.8.2006 had permitted to the petitioner to retain Govt. family quarter No.69 Type-II at GC, CRPF, Bhubaneswar for a period of one year or till he posted to NE Region whichever is earlier.

(vi) As he failed to vacate the allotted Govt. family quarter he was served with show cause notice vide this office letter No.A-II-4/2007-08-GCB-Bldg dated 01.06.2007 with the direction to vacate the allotted Govt.

जय प्रकाश लाल-महानिरीक्षक
DDL. D.I.G.P. GC, C.R.P.F.
ए.पू. केन्द्र केन्द्रित गुवाहाटी-23
GUWAHATI-23 (ASSAM)




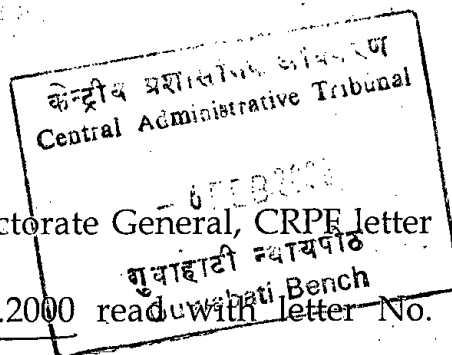
family quarter as he had availed the facility for more than 08 years

Therefore, occupation of family quarter is unauthorized and illegal.

(vii) It is submitted that Pharm Pinak Bhushan Sharma of 170 Bn had applied for retention of Govt. family quarter at GC, CRPF, BBSR to the IGP E/S, CRPF, Kolkata in accordance with provision contained in GOI MHA OM No. F23014/14/96-Adm-III/BSF/PEL dated 18.02.2002. In turn IGP E/S, CRPF, Kolkata vide their letter No. A-II-4/2006-07-ES-Woks dated 29.08.2006 had permitted to the aforesaid petitioner to retain Govt. family quarter No. 69, Type-II at GC, CRPF, Bhubaneswar for a period of one year or till he posted to NE Region whichever is earlier even after availing maximum period of retention of family quarter. It is worth mentioning here that the Jawans of this Force are remain separated from their families and deprived from their social obligations due to their continuous posting in detachment (Duty Battalion) where family accommodations are not available/provided when Jawans are posted in this Group Centre, if they are denied of their legitimate, well earned and well deserved family accommodation because of some unauthorized persons continuance of family accommodation. This causes an adverse effect on the morale of the Jawans. Hence, it is the duties of the petitioner to vacate the allotted Govt. family quarter in question after expiry of maximum retention period for further allotment to a person waiting for years together for his/her turn to get a family quarter in Group Centre, CRPF, Bhubaneswar.

(viii) Contention of the petition in para (viii) is nothing but repetition which has been discussed preciously in para No.2. However, as


 अधिवक्ता, गुवाहाटी-23
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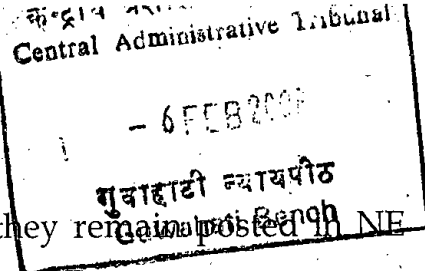
per guidelines issued vide DIGP (Adm), Directorate General, CRPE letter
No.A-II-2/95-2000-Adm-I(Vol-V) dated 07.01.2000 read with letter No.

A-II-2/95-2000-Adm-I-Vol-V dated 10.4.2007, the period of 5 years retention of CRPF accommodation should not be made applicable to personnel posted in NE Region and J & K exclusively for the period they remain posted in NE Region and J & K. However, 5 years of occupation period will be counted from the date of original allotment of such accommodation on return from NE region/J&K. Though he was allotted family quarter on 26.03.1999 while posted in 43 Bn. While Battalion was deployed in NE Region (Headquarter is Group Centre, CRPF, Bhubaneswar), CRPF for a period of three years. As such the periodicity of retention of CRPF accommodation is countable from the date of allotment of quarter i.e. w.e.f. 26.3.1999. Since the prescribed time limit for retention of Govt. quarter had been completed and he failed to vacate the quarter on due date even after notice for vacation dated 27.10.2007. Thus, it can, by no stretch of reasoning, be said that the principle of natural justice has been violated in any way in the instant case.

(ix) Since the petitioner had already availed the facility for more than 8 years 8 months, thus, he has been issued notice for vacation of allotted Govt. family quarter vide this office letter dated 27.10.2007.

(x) In this context it is submitted that as per guidelines issued vide DIGP (Adm), Directorate General, CRPF letter No. A-II-2/95-2000-Adm-I (Vol-V) dated 07.01.2000 read with letter No. A-II-2/95-2000-Adm-I-Vol-V dated 10.4.2007 the period of 5 years retention of CRPF accommodation should not be made applicable to personnel posted in NE

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बम्बई पुलिस उप-महानिरीक्षक
ADDL. D.I.G.P. GC. C.R.P.F.
पु. केन्द्र कैरिगुण्डल गुवाहाटी-2:
GUWAHATI-23 (ASSAM)



Region and J & K exclusively for the period they remain posted in NE region and J & K. However, 5 years of occupation period will be counted from the date of original allotment of such accommodation on return from NE region/J&K. Though he was allotted family quarter on 26.03.1999 while posted in 43 Bn while Battalion was deployed in NE Region. (Head quarter is Group Centre, CRPF, Bhubaneswar), for a period of three years. As such the periodicity of retention of CRPF accommodation is countable from the date of allotment of quarter i.e. w.e.f. 26.3.1999.

(xi) Contention of the petitioner in para x is repetition which has been discussed precisely in para No.5.4 above.


5. That with regard to the statements made in paragraph 5 of the application, the answering respondents beg to state that as per guidelines issued vide DIGP (adm), Directorate General, CRPF, letter No. A-II-2/95-2000-Adm-I(Vol-V) dated 7.1.2000 read with letter No.A-II-2/95-2000-Adm-I-Vol-V dated 10.4.2007 the period of 5 years retention of CRPF accommodation should not be made applicable to personnel posted in NE Region and J&K exclusively for the period they remain posted in NE Region and J&K. However, 5 years of occupation period will be counted from the date of original allotment of such accommodation on return from NE region/J&K. Though he was allotted family quarter on 26.3.1999 while posted in 43 Bn while Battalion was deployed in NE Region. (Head quarter is Group Centre, CRPF, Bhubaneswar), for a period of three years. As such the periodicity of retention of CRPF accommodation is countable from the date of allotment of quarter i.e. w.e.f. 26.3.1999. Hence, he has no right or

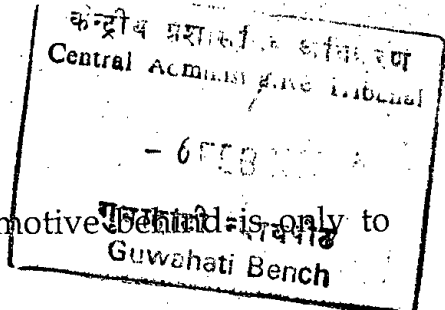
अवर पुलिस उप-महानिरीक्षक
D.L. D.I.G.P. GC, C.R.P.F.
उप केन्द्र केन्द्र गुवाहाटी-23
GUWAHATI-23 (ASSAM)

liberty to retain the Govt. quarter on any ground whatsoever and as such the instant petition is liable to be dismissed being devoid of merit.

6. That with regard to the statements made in paragraphs 5.1 and 5.2 of the application, the answering respondents beg to state that in accordance with provision contained in GOI MHA OM No. F.23014/14/96-adm-III/BSF/PEL dated 18.2.2002 the IGP E/S, CRPF, Kolkata vide their letter No. A-II-4/2006-07-Es-Works dated 29.8.2006 had permitted to the aforesaid petitioner to retain Govt. family quarter No.69, Type-II at GC, CRPF, Bhubaneswar for a period of one year or till he posted to NE region whichever is earlier even after availing maximum period of retention of family quarter. Thus, in the public interest vacation notice has been issued to the petitioner who is in possession of Govt. family quarter for a considerable period (maximum of 5 years) which is quite justified and strictly according to the existing instructions and no natural justice has been violated.

7. That with regard to the statements made in paragraphs 5.3 of the application, the answering respondents beg to state that the allegation made by the petitioner in preceding paragraph is unjustified as aforesaid petitioner was permitted to retain of Govt. family quarter upto 31.5.2006 vide this office order No. A-II-4/05-06-GCB-Bldg dated 2.9.2005. Further, he was ~~was~~ permitted to retain the Govt. family quarter for a period of one year or till he posted to NE Region whichever is earlier w.e.f. 01.06.2007 to 31.5.2007 vide IGP E/Sector, CRPF, Kolkata letter No.A-II-4/06-07-ES-Works dated 29.8.2006 as retention period permitted by the Estate Officer GC, CRPF, Bhubaneswar was expired on 31.5.2006. Such type of wild

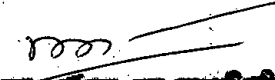

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allegation needs to be rejected outright as the motive behind is only to mislead the Hon'ble Tribunal.

8. That with regard to the statements made in paragraphs 5.4 and 5.5 of the application, the answering respondents beg to state that in response to this office order dated 7.8.2006, the applicant had applied for retention of Govt. family quarter at GC, CRPF, BBSR to the IGP E/S, CRPF, Kolkata in accordance with provision contained in GOI MHA OM No. F-23014/14/96-Adm-III/BSF/PEL dated 18.2.2002. In turn IGP E/S, CRPF, Kolkata vide their letter No. A-II-4/2006-07-ES-Works dated 29.8.2006 had permitted to the aforesaid petitioner to retain Govt. family quarter No:69 Type-II at GC, CRF, Bhubaneswar for a period of one year or till he posted to NE Region whichever is earlier. But he failed to vacate the allotted Govt. family quarter show cause notice was issued to him vide this office letter No.A-II-2/2007-08-GCB-Bldg dated 01.06.2007. In the meantime he had again applied for retention of aforesaid Govt. family quarter to the IGP E/Sector, CRPF, Kolkata which was turned down and rejected by the IGP E/Sector, CRPF, Kolkata vide their letter No. A-II-4-II-3/2007-08-ES-Works dated 5.10.2007. Thereafter, this Group Centre vide letter No.A-II-4/2007-08-GCB-Bldg dated 27.10.2007 issued vacation notice to aforesaid petitioner as he had already availed the facility for more than 8 years 8 months Hence he has no right or liberty to retain the Govt. quarter on any ground whatsoever and as such the instant application is liable to be dismissed being devoid of merit.

9. That with regard to the statements made in paragraphs 5.6, 5.7 and 5.8 of the application, the answering respondents beg to state that the

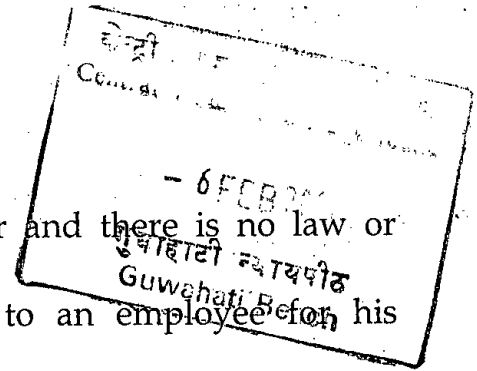

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contentions are self prediction of the petitioner and there is no law or Govt. Circular to provide the Govt. quarter to an employee for his domestic problems even after availing maximum period of retention of family quarter i.e. more than 08 years and 8 month. It is worth mentioning here ^{that} Jawans of this Force are remain separated from their families and deprived from their social obligations due to their continuous posting in detachment (Duty Battalion) where family accommodations are not available/provided when Jawans are posted in this Group Centre, if they are denied of their legitimate, well earned and well deserved family accommodation because of some unauthorized persons continuance of family accommodation. This causes an adverse effect on the morale of the Jawans. Hence, it is the duties of the petitioner to vacate the allotted Govt. family quarter in question after expiry of maximum retention period for further allotment to a person waiting for years together for his/her turn to get a family quarter in Group Centre, CRPF, Bhubaneswar.

10. That with regard to the statements made in paragraph 5.9 of the application, the answering respondents beg to state that the allegation made by the petitioner in preceding paras is unjustified as above petitioner had already availed facilities of Govt. Family Quarter more than 8 years and 8 months. Such type of wild allegation needs to be rejected outrightly as the motive behind is only to mislead the Hon'ble Tribunal.

11. That with regard to the statements made in paragraph 5.10 of the application, the answering respondents beg to state that as per guidelines issued vide DIGP (Adm), Directorate General, CRPF, letter No. A-II-2/95-2000-Adm-I(Vol-V) dated 7.1.2000 read with letter No. A-II-2/95-

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2000-Adm-I-Vol-V dated 10.4.2007 the period of 5 years retention of CRPF accommodation should not be made applicable to personnel posted in NE Region and J&K exclusively for the period they remain posted in NE Region and J&K. However, 5 years of occupation period will be counted from the date of original allotment of such accommodation on return from NE region/J&K. Though he was allotted family quarter on 26.3.1999 while posted in 43 Bn while Battalion was deployed in NE Region. (Head quarter is Group Centre, CRPF, Bhubaneswar), for a period of three years. As such the periodicity of retention of CRPF accommodation is countable from the date of allotment of quarter i.e. w.e.f. 26.3.1999. Hence, he has no right or liberty to retain the Govt. quarter on any ground whatsoever and as such the instant petition is liable to be dismissed being devoid of merit.

12. That with regard to the statements made in paragraphs 6 & 7 of the application, the answering respondents beg to state that ~~that~~ they do not admit anything which is beyond record. The applicant is put to strict proof thereof.

13. That with regard to the statements made in paragraph 8 of the application, the answering respondents beg to state that since the applicant has already availed facility for retention of Govt. family quarter at this GC more than 8 years 8 month including extension period to retain Govt. family quarter No.69, Type-II at GC, CRPF, Bhubaneswar for a period of one year or till he posted to NE Region whichever is earlier granted by IGP E/S vide their letter No. A-II-4/2006-07-ES-Works dated 29.8.2006. Hence, he has no right or liberty to retain the Govt. quarter on any ground

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whatsoever and as such the instant application is liable to be dismissed being devoid of merit.

14. That with regard to the statements made in paragraphs 9, 10 & 11 of the application, the answering respondents beg to state that that they have no comments being territorial judisdiction of this Hon'ble Tribunal.


15. This written statement is filed bonafide and for the ends of justice.

P R A Y E R

In the premises aforesaid, your humble respondents pray that your Lordship may be pleased to dismiss the application filed by the applicants with costs,

- AND -

For this act of kindness your humble respondents shall ever pray.


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VERIFICATION

I, SH. JOGINDRA SINGH, S/O SH. HARPAL SINGH

aged about 54 years at present working as Addl. D.I.G.P.

Group Centre, Central Reserve Police Force,

Guwahati (Assam) and taking steps in this case being duly authorized and competent to sign this verification for all respondents do hereby solemnly affirm and state that the statement made in paragraph 1, 8-13 are true to my knowledge and belief and those made in paragraph 2, 14, 15 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this 1st day of January, 2008

at Guwahati.

(JOGINDRA SINGH)
 DEPONENT
 अपर पुलिस उप-महानिरीक्षक
 D.I.G.P. GC, C.R.P.F.
 ग्रुप केन्द्र केंद्रियुबल गुवाहाटी-23
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