

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 287/2007

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet.....*OA* Pg.....1.....to.....X.....

2. Judgment/Order dtd/.....*28/8/2007* Pg.....X.....to.....*No. 87/2007*

3. Judgment & Order dtd.....Received from H.C/Supreme Court

4. O.A.....*287/2007* Pg.....1.....to.....*26*.....

5. E.P/M.P.....Pg.....to.....

6. R.A/C.P.....Pg.....to.....

7. W.S.....Pg.....to.....

8. Rejoinder.....Pg.....to.....

9. Reply.....Pg.....to.....

10. Any other Papers.....Pg.....to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendement Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 287, 2007
2. Miss Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(s)..... Pharmacist Banshidar
Panda..... VS-Union of India & Ors

Advocate for the Applicants..... Mr. R. Mazumdar

Advocate for the Respondent(s): *C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
Application No. 287 Date 9.11.07 66F. 831 983, 66F. 831 984, 64E. 3950 56 9.11.07	13.11.07.	Mr. R. Mazumdar, learned counsel for the Applicant has filed Memo and seeks permission to withdraw the Original Application.
L. J. Registrar		Heard. Permission is granted. The Original Application No.287 of 2007 is accordingly dismissed on being withdrawn.
Received 4 copies application with velop.		Send copies of this order (alongwith the copies of the O.A) to the Respondents in the addresses given in the O.A. Free copies of this order be also supplied to Mr. R. Mazumdar, counsel appearing for the Applicant, and to Mr.M.U.Ahmed, learned Addl. Standing Counsel for the Union of India, on whom the copy of this Original Application was served.
Copy of the order along with the application to the office for ving the same to Respondents and copy of the order to Advocates for the Rly.	Lim	 (M.R. Mohanty) Vice-Chairman

(M.R. Mohanty)
Vice-Chairman

19.11.07

2

Sent copy of the
order to the Section
Index B. No. 1367
to 1366 on 16/11/02

650

OA vide 2+2 sets of 170 2 envelops
is filed today by Sh. Rajesh Mazumdar,
Advocate. To be posted on 13.11.07 ✓
12/11/07

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH: GUWAHATI

केन्द्रीय प्रशासनिक अ Central Administrative Tribunal	ORIGINAL APPLICATION NO..... 287/2007
12 NOV 2007	Pharmacist Banshidhar Panda
গুৱাহাটী ন্যায়পালেঁ	-Vs-
Guwahati Bench	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 21/Type III in Group Center Campus, Central Reserve Police Force, Bhubaneswar, as there are no family accommodation in Group Center Siliguri. The applicant had been allotted the said accommodation vide order dated 25/2/2005 for a period of five years and later accorded permission to retain the quarters vide order dated 6/7/06 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 21-8-2007 under the Public Premises (Eviction of unauthorized Occupants) Act, 1971. The application dated 04-6-2007 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 applicant states that the respondents have failed to take into account the fact that the children of the applicant are in mid-session 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 grant of interim protection by this Hon'ble Tribunal.

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

12 NOV 2011

गुवाहाटी न्यायालय
Guwahati Bench

LIST OF DATES AND SYNOPSIS

2004	The applicant, a non-combatised (civilian) pharmacist, enrolled in the year 1984 to the Central Reserve Police Force, was posted with 170 Battalion Central Reserve Police Force, which was newly raised at Bhubaneswar.
25/2/2005	Vide order No. A-II-3/2004-GCB-Bldg, the Additional DIGP allotted Quarter no 21, Type III, Group Center Campus, Central Reserve Police Force, Bhubaneswar in favor of the applicant for a period of Five years. Applicant occupied the same in March 2005.
	170 Battalion was attached to Group Center, Siliguri (newly raised). The Group Center, Central Reserve Police Force does not have family accommodation.
November 2005	The applicant was posted to Arunachal Pradesh along with 170 Battalion and is still serving there.
29-4-2006	The Applicant was served with a notice No. A-II-4/ 05-06- GCB – Bldg to vacate the quarter.
29-5-2006	Applicant represented before the Inspector General of Police, Eastern Sector, asking his permission to retain the aforesaid accommodation till he was posted in the North-Eastern Region.
06-07-2006	Applicant was allowed to retain the accommodation for a period of one year or till his posting in North Eastern Region, which ever is earlier.
04-06-2007	Applicant filed an application to the Inspector General of Police, Eastern Sector, praying that since his retention was supposed to expire in July 2007 and he was still posted in North Eastern Region and his wife was undergoing treatment at Bhubaneswar, he may be permitted to retain the said accommodation till he continued to be posted in the North Eastern Region.

12 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

5/7/2007	The Deputy Inspector General of Police, Central Reserve Police Force, Bhubaneswar, served a notice under the Public Premises (unauthorized occupants) Eviction Act, bearing No. A. II. 4/07-08-GCB-Bldg, asking the applicant to show cause as to why he should not be evicted from occupation of Quarter no 21/III.
23/7/2007	Applicant informed the office of the Additional Deputy Inspector General of Police that he had already applied to the competent authority for permission to retain the quarter till he was posted in North Eastern Region.
21/8/2007	The Additional Deputy Inspector General Of Police cum Estate Officer, Group Center C. R. P. F., Bhubaneswar served another notice on the applicant asking him to show cause as to why order of eviction should not be passed against the applicant.
12/9/2007	Applicant replied to the show cause notice that he had already submitted an application to the competent authority to allow him to retain the quarters till his posting in the North Eastern Region, therein stating inter alia that his daughters were in the mid term of their education and also that his wife was undergoing treatment in Bhubaneswar.
5/10/2007	The Inspector General Of Police, Eastern Sector has on extraneous consideration and without due application of mind, refused to grant further permission for retention of quarters to the applicant

12 NOV 2007

गुवाहाटी न्यायपीठ

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

ORIGINAL APPLICATION NO. 287/2007

Pharmacist B D Panda

-Vs-

The Union of India and others

INDEX

<u>SL. Nos.</u>	<u>Description of documents</u>	<u>Page nos.</u>
1.	APPLICATION WITH VERIFICATION	1 TO 16
2.	Copy order 06/07/06	(Annexure A1) 17
3.	Copy of application dated 4-6-2007	(Annexure A2) 18 TO 19
4.	Copy of the letter of the Commandant, 170 Battalion	(Annexure A3) 20
5.	Copy of the show cause dated 5/7/2007	(Annexure A4) 21 TO 22
6.	Copy of the application dated 23/7/2007	(Annexure A5) 23 TO 24
7.	Copy of the notice dated 21/8/2007	(Annexure A6) 25 TO 26
8.	Copy of the reply dated 12/9/2007	(Annexure A7) 27 TO 28
9.	Copy of the communication No. A.II-3/2007-08-ES-Works Dated 5 th of October, 2007	(Annexure A8) 29
10.	Copy of G. I. M. F. OM No. 11(2)/97-E.II(B) Dated 22.7.1998	(Annexure A9) 30 TO 33
11.	Copy of the OM dated 18-2-2002	(Annexure A10) 34 TO 35
12.	Copy of communication dated 12-8-2003	(Annexure A11) 36

FILED BY

Rajesh Mazumdar
(RAJESH MAZUMDAR)
ADVOCATE.

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

12 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.....287...../2007

Pharmacist B D Panda

Force no 841650015

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:

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

Banchi Dhar Panda.

Filed by applicant
-Thorp. Rajen Dymond
Special
12/11/07

12 NOV 2005

शुद्धाराटी ब्राथपीठ

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 1984. 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 he was allotted rent-free accommodation at Quarter no 21/Type III in Group Center Campus of the Force, Bhubaneswar, vide order No. A.II-3/2004-GCB-Bldg dated 25/2/2005 and he occupied the same in March 2005.
- 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 *Banshi Dhar Panda*

12 NOV 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

administrative control of Group Center, Sitiguri, 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 vide order No. A.II.4/05-06-GCB-Bldg dated 29-4-2006, the Additional Deputy Inspector General Of Police, Group Center, Central Reserve Police Force had served a notice on the applicant, asking him to vacate the quarter no 21/III, failing which market rent would be recovered from him.
- v) That the applicant states that he thereafter applied to the Inspector General of Police, Eastern Sector, Central Reserve Police Force praying for permission to retain the said accommodation till he continued to be posted to the North- Eastern Region.
- vi) That the applicant states that vide his order dated 06/07/06, the applicant was allowed to retain the quarter in issue for a further period of one year or till his posting in North Eastern Region, whichever was earlier.

A true copy of the order dated 06/07/2006 referred to above is annexed hereto and marked as **Annexure A1**.

- vii) That the applicant states that as the period for retention of the accommodation in question was to expire in July 2007, the applicant had filed another representation dated 04-06-07 to the Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata praying for permission to retain the quarter No. 21/III in Group Centre Campus, Central Reserve Police Force, till his posting in North Eastern Region. It would be relevant to mention here that the applicant had specified that

Banshi Dhar Panda.

12 NOV 2007

गुवाहाटी न्यायालय
Guwahati Bench

his children were pursuing their studies in ~~at Bhubaneswar~~ and that his wife was also undergoing treatment at Bhubaneswar.

A true copy of the application dated 4-6-2007 filed by the petitioner is annexed hereto and marked as **Annexure A2.**

viii) The applicant states that since the application was made through proper channel, the said application was forwarded by the Commandant, 170 Bn. CRPF to the Deputy Inspector General Of Police, CRPF, Bhubaneswar,

A true copy of the forwarding letter of the Commandant, 170 Battalion, is annexed hereto and marked as **Annexure A3**

ix) The applicant states that 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 5/7/2007 issued under the Public Premises (Eviction of unauthorized Occupants) Act, 1971 by the Deputy Inspector General of Police, acting through 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 21/III, Group Center Campus, Central Reserve Police Force, Bhubaneswar.

A true copy of the show cause dated 5/7/2007 is annexed hereto and marked as **Annexure A4.**

x) That the applicant states that vide communication no R.III.2/07-08-GCB-Bldg dated 30/6/2007 the Additional Deputy Inspector General of Police, Bhubaneswar gave his comments to the Deputy Inspector General Of Police, Bhubaneswar on the application filed by the applicant herein. In
Banshi Dhar Pande

12 NOV 2008

গুৱাহাটী ন্যায়পৌঁঁ
Guwahati Bench

the said comments, the Additional Deputy Inspector General had clearly stated the total number of retention in the Group Center was below 25%. However, affording further retention to the applicant was not recommended.

xi) That the applicant states that vide his application dated 23/7/2007, he intimated the Additional Deputy Inspector General of Police Bhubaneswar that he had already applied to the competent authority for grant of permission to retain the accommodation till he was posted in the North Eastern Region and as such that he be allowed to retain the quarters till receipt of orders from the Inspector General Of Police, Eastern Sector, CRPF, Kolkata.

A true copy of the application dated 23/7/2007 is annexed hereto and marked as

Annexure A5

xii) That the applicant states that while the applicant was still posted at Arunachal Pradesh, the Additional Deputy Inspector General, Group Center, Central Reserve Police Force, Bhubaneswar served another notice dated 21st of August 2007 under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 asking the applicant to show cause as to why an order directing him to vacate the premises in issue. It would be relevant to mention here that this notice was served even though the application dated 04-6-2007 was pending the consideration by the Inspector General of Police, Eastern Sector, Kolkata.

A true copy of the notice dated 21/8/2007 is annexed hereto and marked as **Annexure A6**

Banshidhar Panda

12 NOV 2007

गवाहाटी न्यायालय
Guwahati Bench

xiii) That the applicant states that the applicant vide communication dated 12/9/2007 informed the Additional Deputy Inspector General of Police, Group Center, CRPF, Bhubaneswar that since his case was under consideration of the competent authority and since he was legally entitled to retain the quarter till he was posted in North Eastern Region, and also sing his children were in their mid-term and his wife was undergoing treatment at Bhubaneswar, he be allowed to retain the accommodation till receipt of orders of the competent authority.

A true copy of the reply dated 12/9/2007 is annexed hereto and marked as **Annexure**

A7.

xiv) The applicant states that he has come to know 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 A8.**

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 21/III and 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

Banshi Khan Panda.

12 NOV 2007

गुवाहाटी न्यायपाठ
Guwahati Bench

The applicant states that the impugned Orders dated 21/8/2007 passed by the Additional Deputy Inspector General of Police and Order No. A.II-3/2007-08-ES-Works dated 05 October 2007 passed by the Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata are liable to be set aside and quashed and the respondents are liable to be directed to allow the applicant to retain Quarter No. 21/III at Group Center Campus, Central Reserve Police Force, Bhubaneswar on the following amongst other grounds:

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

Banshi Chandra

12 NOV 2007

गुवाहाटी न्यायपीठ

Guwahati Bench

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."

5.2 The applicant states that since he was posted to the North-Eastern Region in November 2005, and his last place of posting was at Bhubaneswar, he is entitled to retain the accommodation at Group Center Campus, Bhubaneswar for a period of three years over and above the normal retention period of five years, and in any case 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 A9**.

5.3 For that the applicant states as per order dated 25/2/2005, the applicant was allotted the quarter for a period of five years. Thereafter even before expiry of the period of five years, per order dated 06-07-2006 he was ordered to be 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 July 2007. However, the allegation that the applicant was in unauthorized and illegal occupation of the accommodation in issue was raised vide order dated 5-7-2007 by the Deputy Inspector General Of Police, Central Reserve Police Force, Bhubaneswar, i.e. even before the expiry of the term of permitted

Banshi Chandra Panda

12 NOV 2009

गुवाहाटी न्यायपाल

Guwahati Bench

retention, thereby indicating that the same was issued without due application of mind. It is also relevant to mention here that vide application dated 4-6-2007, the applicant had prayed before the competent authority to allow him to retain the quarter till his posting in North-Eastern Region. Thereafter another notice dated 21/8/2007 was served on the applicant even before the representation of the applicant before the Inspector General was pending disposal. It is submitted that the impugned order directing the applicant to show cause against eviction proceedings is liable to be quashed and set aside on this ground alone.

5.4 For that the applicant states that while processing the application dated 4-6-2007 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 A10.**

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 :-

.....”

Banshidhar Landa

12 NOV 2003

गृहाधारी न्यायपाल

The applicant states that vide order No. A.II-2/2003 (Adm. Bench) (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.

A true copy of the Communication dated 12-8-2003 is annexed hereto and marked as **Annexure A11.**

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 more than the normal period of retention. The normal period of retention is five 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 and more so as the quarter was allotted to him in February 2005 for a period of five years. .

Banshi Khan Panda

12 NOV 2006

ଶୁଭାହାରୀ ନ୍ୟାୟପୀଠ

Central Police Commission

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 that the wife of the applicant is undergoing treatment at Bhubaneswar itself for chronic ailments. The Respondents have rejected the prayer of the 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 6/7/2006. 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
Banshi Chandra

12 NOV 2007

गवाहाटी न्यायपीठ

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 aside 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 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 of 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 21/8/2007 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

Banshidhar Panda.

12 NOV 2007

गुवाहाटी न्यायपीठ

Guwahati Bench

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.

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 an application dated 4-6-2007 to the Inspector General of Police, Eastern Sector, Central Reserve Police Force, Kolkata, had filed replies dated 12/9/2007 to the show cause notice dated 21-8-2007 served on him. However, his application dated 4-6-2007 has been rejected vide order dated 5-10-2007 without due application of mind and without considering the relevant circulars, orders and rules in this regard.

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:

Banshikhan Pande

12 NOV 2007

i. गुवाहाटी न्यायपोर
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, Eastern Sector, Kolkata, rejecting the prayer of the applicant for retention of accommodation at Group Centre, Central Reserve Police Force, Bhubaneswar. (Annexure A8), and further direct the respondents to allow the applicant to retain the Government accommodation/General Pool Accommodation at Quarter no 21/III 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. 21/III located at Group Centre Campus, Central Reserve Police Force, Bhubaneswar, during the pendency of this application and further restrain the respondents from initiating steps for evicting the applicant and/ or his family from the said accommodation. 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.

Banshi Chandra Panigrahi

12 NOV 2007

গুৱাহাটী ন্যায়পীঠ

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 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 831984, 66F 831983, 64F 395854.
- (ii) Date: 6-11-07.
- (iii) Issued by the Guwahati post office
- (iv) Payable at Guwahati.

12. LIST OF ENCLOSURES:

- 1. True copy order 06/07/06 (Annexure A1)
- 2. True copy of application dated 4-6-2007 (Annexure A2)
- 3. True copy of the letter of the Commandant, 170 Battalion (Annexure A3)
- 4. True copy of the show cause dated 5/7/2007 .. (Annexure A4)
- 5. True copy of the application dated 23/7/2007 (Annexure A5)
- 6. True copy of the notice dated 21/8/2007 (Annexure A6)
- 7. True copy of the reply dated 12/9/2007 (Annexure A7)
- 8. true copy of the communication No A.II-3/2007-08-ES-Works dated 5th of October, 2007 (Annexure A8)
- 9. True copy of G. I. M. F. OM No. 11(2)/97-E.II(B) dated 22.7.1998 (Annexure A9)
- 10. True copy of the OM dated 18-2-2002 (Annexure A10)
- 11. True copy of communication dated 12-8-2003 (Annexure A11)

---VERIFICATION---

Banshidhar Panda.

12 NOV

গুৱাহাটী নথিয়াচাৰ
Guwahati Bench

VERIFICATION

I, Sri Banshi Dhar Panda, son of late Raj Kishore Panda, 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: Govindpur, Post Office: G - Sidhagiri , in the District of Cuttak, Orissa do hereby verify that the contents of paragraphs number 1, 4 (i to x1), 6, 7, 8, 9, 10, 11, 12, are true to my personal knowledge and the contents of paragraphs 2, 3, 5 (1 to 10), believed to be true on legal advice and that I have not suppressed any material fact.

Date: 03/11/2007

Place: Guwahati

Banshi Dhar Panda

Signature of the applicant.

Annexure A-1

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

Dated, the 10th July '2006.

To

The DIGP,
 CRPF, Bhubaneswar.

Subject:- RETENTION OF GOVT. QUARTER.

Please refer to your letter No. A.II-1/2006-07-Prov dated 21/6/06.

2. In accordance with MHA OM No.F-23014/14/96-Adm.III/BSF/PF.I dated 18/2/2002 and DIGP(Adm) Dte. Genl., CRPF Ltr.No.A.II-2/03-Adm.((Vol.8) dated 12/8/03, I am directed to convey the permission of the IGP, E/S to No.941880128 ASI(M) S.K. Mohanty, No.931890078 HC/M Gour Hari Behera of 149 BN, CRPF, Srinagar (J&K Region) and No.841650015 Pharm B.D. Panda, No.913140018 CT/GD Pradeep Kumar Padhy, No.851270125 HC/GD S.S. Ali, No.850791944 HC/GD H.B. Dash of 170 BN, CRPF, Arunachal Pradesh (N.E. Region) for retention of their quarters at GC,CRPF, Bhubaneswar for a period of one year or till his posting in their respective Battalions in J&K and N.E. region whichever is earlier.

3. Case in r/o No.690510781 HC/GD Nathu Sahb of 39 BN has been considered but rejected by the IGP as his case does not comes under the rule.

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

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

Dated, the 10th July '2006.

Copy forwarded for information and necessary action to:-

1. The Addl. DIG, GC, CRPF, Bhubaneswar / Siliguri.
2. The Commandant - 39 BN / 149 BN / 170 BN, CRPF (at location).

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

This is the true copy of original document.

Rajesh Nagarkar
 Adr.
 11/10/07

ANNEXURE A2

To

The Inspector General of Police,
 Eastern Sector, CRPF,
 Kolkata [West Bengal]

[Through Proper Channel]

Sub: **REG. RETENTION OF GOVT. QUARTER IN GC CRPF.**

CAMPUS, BHUBANESWAR.

Respected Sir,

With profound respect and humble submission I beg to submit the following few facts for favour of your kind consideration and sympathetic action please.

2. Sir, due to some compelling circumstances, such as better education of my children, proper treatment of my ailing wife and to arrange marriage of my daughters, I had applied for transfer to GC, Bhubaneswar. But my request for transfer was considered and posted to 170 Bn. CRPF which was newly raised at Bhubaneswar and I joined this unit during August '2004. in order to sole my problems I applied for family quarter and after six months Qtr. No. 21 Type-III was allotted to me for a period of 05 years vide Addl. DIGP, GC, CRPF Bhubaneswar office order No. A.II-3/2004-GCB-Bldg dated 25/02/05 and the same occupied by me during March' 2005. After one year, a notice for vacation of the quarter was issued by the Addl. DIGP, GC, CRPF Bhubaneswar vide letter No. A.II-4/05-06-GCB-Bldg. dated 29/04/06 with the direction to vacate the quarter otherwise market rent recovery will be issued. Accordingly, I submitted representation to the Addl. DIGP, GC, Bhubaneswar and subsequently I also submitted representation to your good office on 39/05/06 for retention of the said family quarter. My request for retention of the quarter was considered and I was permitted to retain the said quarter for a period of one year or till my posting in N.E. Region whichever is earlier vide your office letter No. A.II-3/2006-07-ES-Works dted 06/07/06. as such my extentsion period for retaining the quarter will be completed during July'2007.

This is the true copy of the original.
Rajesh Magmar
11/11/07

3. [a] sir, I have three daughters and my only son expired at the age of 08 years. One of my daughters is studying in Kendriya Vidyalaya in GC, CRPF, Campus Bhubaneswar and another is studying in RD Women's College at Bhubaneswar. As both of my daughters are at their crucial stage of study, shifting of my family to other place will adversely effect their carrier. My elder daughter got married during 2006 for which I am running with financial crisis and in this stage I may not be able to accommodate my family outside the campus in rented house.

[b] My wife is a case of Ischemic heart disease with PIVD and under going treatment in GC Hospital BBSR with due consultancy of specialist.

[c] After passing out of recruits 170 Bn moved to Itanagar [ACP] from Bhubaneswar and at present I am posted in 170 Bn., CRPF Itanagar [ACP] in N. E. Region leaving behind my family at old station in GC, CRPF Campus Bhubaneswar. 170 Bn. is an attached Unit fo GC Siliguri where no family accommodation is available being new GC.

[d] As per instructions contained in MHA OM No. F-23014/14/96-Adm-III-BSF/PF-I dated 18/02/2002 and DIGP [Adm] Dte. General CRPF letter no A.II.2/03 Adm-I [Vol-8] dated 12/08/03 personnel posted in N.E. Region are entitled to keep their family at old station and the concerned IGP is competent to accord permission.

4. in view of the above facts, I earnestly request your kind Honour to consider my request and I may kindly be permitted to retain the quarter No. 21 Type-III in GC, Campus, Bhubaneswar which is under my occupation till my posting in NE region, For this Act of you kindness I shall remain immensely grateful to you.

Thanking you Sir,

Dated the 04 June'2007

Yours faithfully
 Sd/- (illegible)04/06/07
 F/No. 841650015 Pharmacist
 B.D.Panda, 170 Bn, CRPF
 Itanagar [ACP]

ANNEXURE A3OFFICE OF THE COMMANDANT, 170 BN CRPF SINKIVIEW, ITANAGAR [ACP]

NO. A.II-1/2007-08-170-Q

Dated the 7 June '2007

To

The Dy. Inspector General of Police
 Bhubaneswar Range, CRPF
 [Orissa]

Subject:- RETENTION OF GOVT. QUARTER IN GC CRPF CAMPUS
BHUBANESWAR.

Sir,

No. 841650015, Pharmacist B. D. Panda of this unit has submitted applications in duplicate in favour of IGP, Eastern Sector CRPF Kolkata [WB] requesting for retention of Govt. quarter No. 21 Type-III which is presently in occupation of individual at GC CRPF Campus Bhubaneswar in which the individual has stated his various reasons and obligations for retention of above quarter like completion of ward's education and treatment of his ailing wife. Applications in individual are forwarded for your further needful action please.

Enclosed:- [04] leaves

Sd/- illegible
 7/6/07
 [N. K. Pandey] 2i/c
Commandant 170 BN CRPF
[AOL]

NO. A.II-1/2007-08-170-Q

Dated the 7 June '2007

Copy to :-

The Additional DIGP, GC CRPF, Bhubaneswar [Orissa] for information please.

Enclosed : - [02] Lvs.

Sd/- illegible
 7/6/07
 [N. K. Pandey] 2i/c
Commandant 170 BN CRPF
[AOL]

This is a true copy of the original document
 Rajesh Magdon
 Adm.
 11/11/07

ANNEXURE A4OFFICE OF THE ADDL. DIGP, GROUP CENTRE, CRPF, BHUBANESWAR, ORISSA.

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

Dated the July 2007

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.841650015 Phar. B. D. Panda of 170 Bn.

(Through the Commandant, 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. 21/III on 1.3.05. You were permitted to retain quarter for a period of one year vide IGP ES CRPF Kolkata letter no A.II.3/06-07-ES-Works dated 6/7/ but till date you have not vacated the quarter. 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 30/7/07 why such an order eviction should not be made.

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 30/7/07 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.

SCHEDULEQTR. No. 21/III

Sd/- Illegible 5/7
(G.S.MASTANA)

DEPUTY INSPECTOR GENERAL OF POLICE

*This is a true copy of the original document
Rajesh Bhagat
Dated
11/11/02*

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

Dated the July 2007

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/- (illegible)

5/7/07

(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.

To

The Addl. DIGP
Group Centre, CRPF
Bhubaneswar.

[Through proper channel]

Sub:

**REG RETENTION OF FAMILY QUARTER NO. 21/TYPE - GC
GC CRPF CAMPUS BHUBANESWAR * REPLY OF BHOWMIK
CAUSE NOTICE**

R/SIR,

Kindly refer to your office letter No. A-II-4/07-08-GCB-Bdg dated 5/7/07.

2. With profound respect it is humbly submitted that at present I am posted in 170 Bn CRPF in N.E. Region at Itanagar (ACP). My family is residing in quarter No. 21/III in your GC campus wef March/2005, which was allotted to me on extreme compassionate ground for a period of 5 years vide your office order No. A-II-3/04-GCB-Bdg dated 25/2/05 when I was posted in this Unit at Bhubaneswar. Earlier during the year 2006, I, was also issued a vacation notice by your office. Since I am not in a position to vacate above accommodation and presently posted in N.E Region, I requested to your good office as well as the IGP, ES, CRPF, Kolkata for retention of said quarter. Accordingly, I was permitted to retain the quarter for a period of one year or till my posting in N.E. Region whichever is earlier vide IGP, ES, CRPF, Kolkata office letter No. A-II-3/06-07-ES-Works dated 6/7/06.

3. Since my domestic problems have not yet resolved and I am still continuing deployed in N.E. Region I, have already submitted an application on 4/6/07 addressed to the IGP, ES, CRPF, Kolkata through proper channel with the request to accord permission to retain the quarter till my posting in N.E. Region for purpose of education of my daughters as well as treatment of my ailing wife. My application has also been forwarded to the higher ups by your GC vide letter No. R-III-2/07-08-GCB-Bdg dated 30/6/07 and decision on same is favorably awaited.

4. Now on 25/7/07, I, received a vacation notice through Commandant 170 Bn, CRPF issued vide your office letter under reference. In this connection it is submitted that I have three daughters and my only son expired at the age of 6 years. One of my daughter is studying in K.V in GC, CRPF campus, Bhubaneswar and other is studying in R.D. Women's college at Bhubaneswar. As both of my daughters are at crucial stage of their studies, shifting of family to another place will adversely affect their career. My elder daughter got married during the year 2006 and I am also running with financial crisis. Sir, my wife is a case of Ischaemic heart disease with PVD specialist. Thus I am not in a position to accommodate my family outside the campus in rented house at present.

This is a true copy of the original.

Rajesh Raynor
Asst. Secy.
11/1/07

5. As per instructions contained in MHA OM No. F-23014/14/ 96-Adm-III-BSF/PF-I dated 18/2/02 and DIGP (ADM), Dte. Genl. Letter No. A-II-2/2003-Adm-I. (VOL-8) dated 12/8/03, personnel posted in N.E. Region are entitled to keep their family at old station with permission of the concerned Adm IGP. Moreover, 170 Bn is affiliated to GC, Siliguri where no family quarter is available.

6. In view of above facts, I earnestly request your honour to kindly consider my case and permit me to retain above accommodation in your GC campus till receipt of orders from IGP, ES, CRPF, Kolkata.

7. I shall remain grateful to you for this act of kindness.

Yours faithfully,

Pham B. D. Panda
No. 841650015

170 Bn, CRPF, Itanagar (ACP)

ANNEXURE A6**OFFICE OF THE ADDL. DIGP, GROUP CENTRE, CRPF, BHUBANESWAR, ORISSA.****NO. A.II.4/07-08-GCB-Bldg****Dated the August 2007**

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.841650015 Phar. B. D. Panda of 170 Bn.****(Through the Commandant, 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. 21/III on 1.3.05. You were permitted to retain quarter for a period of one year vide IGP ES CRPF Kolkata letter no A.II.3/06-07-ES-Works dated 6/7/06 but till date you have not vacated the quarter. 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 05/9/07 why such an order eviction should not be made.

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 05/9/06 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. 21/III**

**Sd/- Illegible 21/8/7
(B.S.Gill)**

Addl. DIGP cum Estate Officer

*This is a true copy of the original.
Rajesh Nayak
11/11/07*

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

Dated the August 2007

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/- Illegible

21/8/07

(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.

59

10

The Addl. DIGP
Group Centre, CRPF
Bhubaneswar.

(Through proper channel)

Sab:-

**REG RETENTION OF FAMILY QUARTER NO. 21/114 TYPE -IIA/1M
GC CRPF CAMPUS Bhubaneswar - REPLY OF SHOW
CAUSE NOTICE**

R/Sir,

Kindly refer to your office letter No. A-II-4/07-08-GCB-Bldg dated 21/3/2007

2. With profound respect it is humbly submitted that at present I am posted in 170 Bn CRPF in N.E. Region at Itanagar (ACP). My family is residing in quarter No. 21/114 in your GC campus w.e.f March/2005, which was allotted to me on extreme compassionate ground for a period of 5 years vide your office order No. A-II-3/04-GCB-Bldg dated 25/2/05 when I was posted in this Unit at Bhubaneswar. Earlier during the year 2006, I was also issued a vacation notice by your office. Since I am not in a position to vacate above accommodation and presently posted in N.E. Region, I requested to your good office as well as the IGP, ES, CRPF, Kolkata, for retention of said quarter. Accordingly, I was permitted to retain the quarter for a period of one year or till my posting in N.E. Region whichever is earlier vide IGP, ES, CRPF, Kolkata office letter No. A-II-3/06-07-ES Works dated 6/7/06.

3. Since my domestic problems have not yet resolved and I am still continuing deployed in N.E. Region I, have already submitted an application on 4/6/07 addressed to the IGP, ES, CRPF, Kolkata through proper channels with the request to accord permission to retain the quarter till my posting in N.E. Region for purpose of education of my daughters as well as treatment of my ailing wife. My application has also been forwarded to the higher ups by your GC vide letter No. R-II-2/07-08-GCB-Bldg dated 20/6/07 and decision on same is favorably awaited.

4. It is further submitted that on 23/7/2007, I had received vacation notice vide your letter No. A-II-4/2007-D3-GCB-Bldg, dated 03/7/2007. Accordingly, I had submitted an application to your Good Office on 23/7/2007 requesting for retention of same Quarter. Now on 12/9/2007, I received a vacation notice through Commandant 170 Bn, CRPF issued vide your office letter A-II-4/2007-08-GCB-Bldg dated 21/3/2007. In this connection it is submitted that I have three daughters and my only son expired at the age of 8 years. One of my daughter is studying in K.V in GC, CRPF campus, Bhubaneswar and other is studying in K.D. Women's college at Bhubaneswar. As both of my daughters are at crucial stage of their studies, shifting of family to another place will adversely affect their career. My elder daughter got married during the year 2006 and I am also running with financial crises.

This is the true copy of original document
Rajesh Nagpal
Adv.
11/11/07

Sir, my wife is a case of Ischaemic heart disease. Hypertension with PIVD and undergoing treatment at CII, Bhubaneswar with due consultancy of specialist. Thus I am not in a position to accommodate my family outside the campus in rented house at present.

5. As per instructions contained in MHA OM No. F-23014/14/ 96-Adm-III-BSF/PP-I dated 18/2/02 and DGF (ADM), Dta. Com. letter No. A-II-2/2003-Adm-I (VOI-8) dated 12/8/03 personnel posted in N.E. Region are entitled to keep their family at old station with permission of the concerned Adm IGP. Moreover, 170 bh is allotted to GC, Shillong where no family quarter is available.

6. In view of above facts I earnestly request your honour to kindly consider my case and permit me to retain above accommodation in your CC campus till receipt of orders from IGP, BS, CRPF, Kolkata.

7. I shall remain grateful to you for this act of kindness.

Yours faithfully,

Dated the 1st Sep. 2007

Itanagar(ACP)

NO. 841650013

Phorm b. U. Panda

170 BH, CRPF, Itanagar (ACP)

BL
12/5/07

Annexure A8

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 17/9/2007.

2. Cases for retention of Goct. 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. 871011111 HC/GD S.K.Bhagat of 52 BN. No. 761260177 SI/MT Narayan Choudhury of 149 BN and, No. 880688566 SI/RO Sibendra Nayak of 52 BN, No. 710605759 CH/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. 841650015 Pharm. B. D.Panda of 170 BN, No. 771560057 Pharm. P.B.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 SS Ali of 170 BN. No. 880951403 HC/GD Balram 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

dated, the 05 October '2007

Copy forwarded for information and necessary action to :-

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

Sd/- (illegible)05/x

(R N MISRA)

Addl. DIG (Prov & Accts)

for IGP, ES, CRPF, Kolkata

This is a true copy of the original.
Rajesh Misra
11/11/07

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.

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

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Rajesh Mehta
11/11/02*

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 dependents 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.

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

Government of India/ Bharat Sarkar
Ministry of Home Affairs. / Grh 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/DIG/IG, 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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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

Director (PF)

ANNEXURE ADIRECTORATE GENERAL: C.R.P.FBLOCK 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)InternalAll Branches of Director General

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 Rajesh Mehta
 Sh.
 1/11/02