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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 666/2022 and CM APPL. 49634/2022

YATENDER SINGH

..... Appellant

Through: Mr. Himanshu Gautam, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Radhika Arora, Senior Panel
Counsel & Mr. Rudra Paliwal, G.P.
for the Respondents.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

18.11.2022

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1. The Appellant before this Court – who was a Deputy Commandant in the Central Reserve Police Force (CRPF) and who has been posted to a Left Wing Extremism (LWE) Area at Koraput, Odisha, is aggrieved by the action of the Respondents directing him to vacate the Government accommodation and also charging Damage Rent from him.
2. The writ petition preferred by him has been dismissed by the learned Single Judge on the ground that he is not entitled to the prayer he is seeking.
3. Learned Counsel for the Appellant has straightaway drawn the attention of this Court towards the allotment rules which are on record known as “*Central Reserve Police Force Family Accommodation Rules, 2015*”. His contention is that Rule 27 (b) of the said Rules entitles an employee to retain the family quarters on transfer to J&K, LWE and NE



Region at Group Centre location for a period of three years; extendable up to 05 years by the GCOs; and again up to 07 years by Sector IsG. The Appellant has completed only three years. His contention is that the learned Single Judge has erroneously applied sub-Section (c) of Rule 27 of the said Rules, and has dismissed the writ petition.

4. Rule 27 certainly empowers the Respondents to permit an employee on his transfer to J&K, LWE and NE Region to retain the quarters subject to certain terms & conditions.

5. In the considered opinion of this Court, learned Counsel for the Appellant is able to make out a *prime-facie* case for grant of interim relief. Resultantly, operation of the orders dated 13.05.2022, 20.07.2022 & 26.07.2022 passed by the Respondents are stayed till the next date of hearing. The Respondents shall permit the family of the Appellant to reside in the quarters till the next date of hearing.

6. Let a detailed and exhaustive reply be filed in the matter. Learned Counsel for the Respondents prays for eight weeks' time to file the reply. She is granted 8 weeks' time to do the needful.

7. List on 13.03.2023.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

NOVEMBER 18, 2022

B.S. Rohella