

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.475 of 2024

Sri Rajesh Kumar Yadav, son of Mukat Singh Yadav, permanent resident of H.No.11, Block-N, Sector- DELTA-3, Greater Noida, Gautam Budhnagar, Uttar Pradesh, PIN-201306, aged about 56 years

.....Petitioner(s);

Versus

1. The Union of India, represented by the Secretary, Ministry of Home Affairs, Government of India, having his office at NDCC-II Building, Jai Singh Road, Near Jantar Mantar, 110001
2. The Director General of Police, Central Reserve Police Force, having his office at Block-1, Central Government Office Complex, Lodhi Road, New Delhi, 110003
3. The Inspector General of Police (Adm), Central Reserve Police Force, Central Government Office Complex, Lodhi Road, New Delhi, 110003
4. The Inspector General of Police (Pers), Central Reserve Police Force, Central Government Office Complex, Lodhi Road, New Delhi, 110003

.....Respondent(s)

For Petitioner(s) : Mr. Somik Deb, Sr. Advocate,
Mr. Pranabindu Chakraborty, Advocate.

For Respondent(s) : Mr. Bidyut Majumder, Deputy SGI.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

26/07/2024

The writ petition was preferred with the following prayers:

“i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner, for quashing/setting aside the impugned Inter Office Note dated 20.07.2021 (Annexure-12 supra);

ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to forthwith revoke/rescind the impugned Inter Office Note dated 20.07.2021 (Annexure-12 supra), and thereupon, mandating/directing them, for forthwith sanctioning the House Rent Allowance, in favour of the petitioner, for the period from 09.02.2016 to 16.09.2019, i.e., the period when the petitioner was posted in North Kashmir OPs Range, at rate of 30% amounting to Rs.19,86,559/-, with Interest at the rate of 9% from the respective dates it fell due, till the date of actual payment;

iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting the respondents, from acting in any manner, in furtherance of the impugned Inter Office Note dated 20.07.2021 (Annexure-12 supra);

- iv) In the ad-Interim, and thereafter, on hearing the parties, in the interim, an Order, in terms of relief (iii) supra;
- v) Call for the records appertaining to this writ petition;
- vi) After hearing the parties, be pleased to make the Rule Absolute in terms of i. and ii. above;
- vii) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

2. The question of maintainability of the writ petition before this Court was raised on the previous date since not even the part of cause of action arose within the territorial jurisdiction of this Court. Petitioner was seeking house rent allowance for a period of his posting between 09.02.2016 and 16.09.2019 in North Kashmir. The communication declining his claim was issued on 20.07.2021 while he was not posted within the territory of Tripura. Therefore, after some arguments, Mr. Somik Deb, learned senior counsel for the petitioner, seeks permission to withdraw the present writ petition with a liberty to move the appropriate forum having jurisdiction to entertain the cause.

3. With the aforesaid liberty, the instant writ petition is dismissed as withdrawn.

(APARESH KUMAR SINGH), CJ

Pijush/

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