

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 1621 of 2015

Date of Decision : July 28, 2015

Gita Rani Petitioner

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Ashok Sharma Nabhwala, Advocate
for the petitioner.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks House Rent Allowance (HRA), which was denied to her in March 1998. In the meanwhile, the petitioner has retired from service on 04.12.2011.

As per the order impugned by the petitioner, the benefit of HRA was denied to her on the ground that she was not residing within 25 kilometers from her place of working.

The petitioner was working at Sultanpur Lodhi and was

residing at Kapurthala. Initially, when the petitioner had filed the present writ petition, she had appended a Certificate (Annexure P-6) showing the distance between Kapurthala (her place of residence) and Sultanpur Lodhi i.e. the place, where she was working, to be 20.90 kilometers. Thereafter, the petitioner placed another Certificate (Annexure P-23), which shows that the distance from Bus Stand Kapurthala to City via Rail Coach Factory, Sultanpur Lodhi is 28 kilometers and from Kapurthala Bus Stand to Bye Pass Rail Coach Factory, Sultanpur Lodhi to be 31 kilometers.

The self-contradictory and divergent stands taken by the petitioner cannot be reconciled. Further, in exercise of my jurisdiction under Article 226 of the Constitution of India, I cannot delve into the factual dispute with regard to the actual distance between the place of residence of the petitioner and her place of work, especially when the petitioner herself has given at least three different figures.

Further, the claim is stale as the cause of action in the case in hand accrued to the petitioner in March 1998 i.e. over 17 years ago. It is true that the petitioner had made representations and had also approached this Court twice over in the year 2011 through **C. W. P. No. 1849 of 2011** and **C. W. P. No. 21797 of 2011**, but the fact remains that after making representations, which were backed by no statute or instructions, this Court was approached for the first time only in the year 2011 i.e. after 13 years of the cause of action. Nonetheless the claim to be adjudicated upon today is

certainly a stale one.

Even otherwise, no rules/regulations/instructions have been shown to me, which would entitle the petitioner to the claim of HRA, except the instructions dated 09.01.1998, relevant portion whereof is reproduced hereunder :-

“Letter No. 4/19/97/FPI/183 dated :

Chandigarh 9.1.1998

Subject :- Implementation of the recommendations of the Fourth Punjab Pay Commission House Rent Allowance.

I am directed to address you on the subject cited above and to say that in pursuance of the recommendations of the Fourth Punjab Pay Commission, the Governor of Punjab is pleased to take the following decisions :-

- 1) xx xx xx*
- 2) xx xx xx*
- 3) xx xx xx*
- 4) xx xx xx*

5) The Governor of Punjab is further pleased to decide that an employee may be permitted by the competent authority to

reside at a place beyond 25 kms from the Headquarters, provided that the employee attends to his duties punctually and without detriment to his efficiency.”

According to me, the above portion of the instructions, sought to be relied upon in the case of the petitioner, does not further her case.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(DEEPAK SIBAL)
JUDGE

July 28, 2015
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