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

Decided on : 24.08.2015

+ W.P.(C) 7994/2015

MUNNA LAL

..... Petitioner

Through: Dr. Vijendra Mahndiayan and Ms.
Pallavi Awasthi, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Sh. Ajay Digpaul with Sh. Amit
Dogra, Advocates.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MS. JUSTICE DEEPA SHARMA

MR. JUSTICE S. RAVINDRA BHAT (OPEN COURT)

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1. Issue notice. Sh. Ajay Digpaul, CGSC accepts notice.
2. All the petitioners are the employees of the Central Industrial Security Force ("CISF"). Their claim in these proceedings is for release of House Rent Allowance (HRA) benefits which according to them, they are legitimately entitled to. The respondent CISF's position has been that since the petitioners were provided barrack accommodation but were later permitted to leave such premises, they are disentitled to HRA.
3. At the outset it is pointed out that identical issues have been dealt with by previous orders of the Court. The latest in the series of orders is W.P.(C)5407/2015 and connected cases decided on 27.05.2015. The Court

had then held – placing reliance upon the previous rulings, and the judgments of the Supreme Court in *Union of India v. Dineshan K.K.*, 2008 (1) SCC 586, *Director, Central Plantation Crop Research Institute v. M. Purushothaman & Ors.*, 1995 Suppl. (4) SCC 633, and after considering Rule 61 (3) of the CISF Rules, that the petitioners were justified in claiming HRA benefits.

4. Having regard to the above position which has not been disputed by the respondents, a direction is issued to the respondents that for the period or periods for which the petitioners were granted outdoor residence permission, they would be entitled to HRA, if no official accommodation were made available. While making payment of HRA, the compensation paid under Rule 61 (3) shall be appropriately adjusted. Payment shall be made to the present petitioners by the end of October 2015. The affidavit duly indicating the compliance shall be filed and the matter shall be listed for oversight in this regard on 3rd November, 2015.

5. In order to prevent such cases for release of HRA from coming to this Court needlessly, we direct that:

- (1) The Director General, CISF shall ensure that benefits identical to those claimed in these petitions are made available to all eligible employees. A Circular to this effect shall be issued indicating the appropriate format for application by the aggrieved employees. Such Circular will be issued within two weeks, and a copy shall be filed in this Court for record purposes, supported by an affidavit.
- (2) Applications received under the Circular shall be processed in a time-bound manner, at the latest within four weeks from the date of such application.

(3) In case the court encounters any similar claims for release of HRA after 12 weeks from today, the DG, CISF may be summoned to attend the court proceedings.

6. The writ petition is allowed in the above terms.

Order *dasti*.

S. RAVINDRA BHAT
(JUDGE)

DEEPA SHARMA
(JUDGE)

AUGUST 24, 2015
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