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

+ **W.P.(C) 12013/2015 & CM No. 31858/2015**

RAVINDRA KUMAR

..... Petitioner

Through: Ms. Seema Sharma, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. S.N. Parashar, Advocate for R-1
and R-2.

And

+ **W.P.(C) 12061/2015 & CM No. 32032/2015**

MANOJ XALXO

..... Petitioner

Through: Ms. Seema Sharma, Advocate.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. S.N. Parashar, Advocate for R-1
and R-2.

And

+ **W.P.(C) 12066/2015 & CM No. 32030/2015**

JOSHI MINJ

..... Petitioner

Through: Ms. Seema Sharma, Advocate.

versus

UNION OF INDIA & ANR

..... Respondent

Through: Mr. S.N. Parashar, Advocate for R-1
and R-2.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

22.12.2015

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By way of the present case, the petitioners seek direction that they be granted House Rent Allowance (HRA) since they were granted out-living permission. The respondents came on advance notice. The petitioners rely upon the previous decisions of this Court-notably *Inspector/Exe. Jaspal Singh Mann vs. Union of India (UOI) and Ors* 2008(103) DRJ 513 and *Jamila Hassina vs. Union of India & Ors* in WP(C) No. 3340/2015 decided on 07.04.2015 and state that a proper interpretation of Rule 61(3) of the CISF Rules, 2001 entitle them to the reliefs claimed. The respondents do not dispute the *ratio* in the said two decisions, however, it is contended that the petitioners had voluntarily agreed to accept the out-living posting without claiming HRA. We have considered the submissions. The fact that the petitioners are constrained to accept the permission in the form granted, in our opinion, does not disable them from availing the benefit which is otherwise admissible in law.

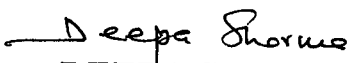
In these circumstances, following the previous decisions (*supra*), a direction is issued to the respondents to grant HRA. While making payment, the compensation to be paid under Rule 61(3) is to be suitably adjusted. The payments shall be made within 3 months from today. The affidavit of compliance shall be filed at the end of the three months period and the matter be listed for noticing compliance on 3.11.2015. In case the said amounts are not paid within the period indicated, the respondents shall pay simple interest at the rate of 8% per annum. The respondents shall also verify whether the petitioners' claim for transport allowance is admissible according to the Rule and if so pass similar order in that regard.

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The petition is allowed in the above terms.

Order *Dasti.*


S. RAVINDRA BHAT, J


DEEPA SHARMA, J

DECEMBER 22, 2015

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