

\$~12,13,14 & 15

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

+ W.P.(C) 38/2016 & CM No. 243-344/2016

RAKESH KUMAR SINGH Petitioner

Through: Dr. Vijendra Mahndiyan, Advocate
alongwith Ms. Pallavi Awasthi,
Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through: Ms. Archna Gaur Sharma, Advocate
alongwith Mr. Piyush Gaur,
Advocate.

And

+ W.P.(C) 41/2016 & CM No. 250-251/2016

RANJEET KUMAR Petitioner

Through: Dr. Vijendra Mahndiyan, Advocate
alongwith Ms. Pallavi Awasthi,
Advocate.

versus

UNION OF INDIA AND ANR Respondents

Through: Ms. Archna Gaur Sharma, Advocate
alongwith Mr. Piyush Gaur,
Advocate.

And

+ W.P.(C) 43/2016 & CM Nos. 253-254/2016

SANDEEP SINGH Petitioner

Through: Dr. Vijendra Mahndiyan, Advocate
alongwith Ms. Pallavi Awasthi,
Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Ms. Archna Gaur Sharma, Advocate
alongwith Mr. Piyush Gaur,
Advocate.

And

+ W.P.(C) 44/2016 & CM Nos. 255-256/2016

RAJESH KUMAR

..... Petitioner

Through: Dr. Vijendra Mahndiyan, Advocate
alongwith Ms. Pallavi Awasthi,
Advocate.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Ms. Archna Gaur Sharma, Advocate
alongwith Mr. Piyush Gaur,
Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

%

06.01.2016

Issue notice. Ms. Archna Gaur Sharma, Advocate accepts notice.

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.

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 are W.P.(C)7920/2015 (*Pardeep Kumar v. Union of India*) and connected cases decided on 21.08.2015 and W.P.(C)5407/2015 (*Rajeev Malhotra v. Union of India*), 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.

In W.P.(C) No. 41/2016, 43/2016 & 44/2016, the respondents urge that the petitioners have undertaken not to claim any HRA benefits.

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 that the petitioners were granted outdoor residence permission, they would be entitled to HRA, if no official accommodation was made available. This Court is also not persuaded with the respondents' statements in regard to their furnishing of undertaking. There can be no estoppel against operation of law. While making payment of HRA, the compensation paid under Rule 61 (3) shall be appropriately adjusted. Payment shall be made to the present petitioners within eight weeks.

The writ petitions are allowed in the above terms. All the pending applications are disposed off.

Order dasti.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

JANUARY 06, 2016

sapna