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

+ **W.P.(C) 272/2016 & C.M. 1142-43/2016**

MAHAVEER SINGH Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1
Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 273/2016 & C.M. 1144-45/2016**

SAROJ KUMAR Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1
Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 274/2016 & C.M. 1146-47/2016**

RAGHUDEV BAJROLIYA Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1

Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 275/2016 & C.M. 1148-49/2016**

SATISH KUMAR Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Vijay Chandra Joshi &
Mr. Santosh Kumar Pandey,
Advocates for respondent No.1
Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 276/2016 & C.M. 1150-51/2016**

S K GUPTA Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1
Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 277/2016 & C.M. 1152-53/2016**

HIRA SINGH Petitioner

Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents

Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1

Mr. K.K. Tyagi, Advocate for
respondent No.2

+ **W.P.(C) 313/2016 & C.M. 1279-80/2016**

RAJ KUMAR SHARMA Petitioner
Through: Dr. Vijendra Mahandiyani &
Ms. Pallavi Awasthi, Advocates

versus

UNION OF INDIA AND ANR. Respondents
Through: Mr. Arun Bhardwaj, Advocate for
respondent No.1
Mr. K.K. Tyagi, Advocate for
respondent No.2

CORAM:

**HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR**

ORDER
% **15.01.2016**

1. The present batch of petitions have been filed by the petitioners praying *inter alia* for directions to the respondent No.2-CISF to pay them House Rent Allowance (*hereinafter referred to as 'HRA'*), to which they are legitimately entitled.

2. All the petitioners herein, who are enrolled as members of the respondent No.2-CISF, had approached the respondent No.2 for permission to live out of campus with family, which was duly granted. None of the petitioners herein were provided with the

Government Accommodation (Married).

3. Learned counsel for petitioners states that the issue raised here is no longer *res integra* as several other petitions for the same relief have been filed in this court from time to time, including a batch of matters, lead matter being W.P.(C) 5407/2015 *Avijit Das Vs. Union of India & ors.*, that were allowed by a Coordinate Bench vide Judgment dated 27th May, 2015. In the said petitions, the respondent No.2-CISF's position was that since the petitioners had been provided with barrack accommodation but were later permitted to leave the said premises, they would not be entitled to claim HRA. Turning down the respondent's plea and relying upon a decision of a Coordinate Bench of this Court in W.P.(C) 1712/2006, entitled "*Inspct./Exe Jaspal Singh Mann Vs. UOI & Ors.*", decided on 23rd May, 2008, the Division Bench had issued a writ of mandamus to the respondent-CISF that if no official accommodation was made available to the petitioners in the said case, then they would be paid HRA for the period for which outdoor residence permission was granted to them.

4. Learned counsel for the petitioners submits that prior to the judgment dated 27th May, 2015, another batch of matters that had raised the same issue, was allowed on 7th April, 2015, by the

W.P.(C) 272/2016; 273/2016; 274/2016; 275/2016;
276/2016; 277/2016 & 313/2016

Division Bench in W.P.(C) 3340/2015, entitled "*Jamila Hassina Vs. Union of India & ors.*". Aggrieved by the said order, the respondent had preferred Special Leave Petition No.15026/2015 (*later on converted into Special Leave Petition (Civil) 24592/2015*) before the Supreme Court, which came to be dismissed at the stage of admission on 24th August, 2015. It is thus submitted that petitioners are entitled to the same relief, as has been granted to other similarly placed petitioners in terms of the judgment dated 7th April, 2015, as it has since attained finality.

5. In view of the fact that the Supreme Court has not interfered in the judgment dated 7th April, 2015 pronounced by the Division Bench in the case of *Jamila Hassina (supra)* and vide order dated 24th August, 2015, *Special Leave Petition (Civil) 24592/2015*, has been dismissed, we are of the opinion that the principle of law raised in the said petitions has been conclusively decided and it should apply *in rem* to all similarly placed personnel in the CISF, including the petitioners herein.

6. Accordingly, the present writ petitions and applications are disposed of by issuing a writ of mandamus to the respondents that the petitioners would be paid HRA for the period for which they were granted outdoor residence permission, if no official

accommodation (married) has been made available to them. While making the payment of HRA, the monetary compensation paid to the petitioners in terms of sub-Rule 3 of Rule 61 of the CISF Rules, 2001 shall be duly adjusted. The said payment shall be released to the petitioners within a period of four months from today. If the said amount is not released to the petitioners within the stipulated timeline, then the same shall be paid by the respondents along with simple interest @8% per annum after the expiry of four months, till the date of payment.

7. Before parting with these cases, we may note that vide order dated 21st August, 2015 passed in W.P.(C) 7920-23/2015 & W.P.(C) 7927/2015 while allowing similar petitions filed against the respondent No.2-CISF for release of the HRA, so as to ensure that other aggrieved parties, who are similarly placed, need not approach the court for the same relief, certain directions were issued and the respondent was cautioned that if the court encounters petitions for similar relief, then the D.G., CISF may have to be summoned.

8. Despite the clear directions issued in the captioned case with the idea that benefits identical to those claimed in the said petitions, percolate to all eligible employees' and a Circular be

issued for the said purpose, more petitions have been trickling in. In such circumstances, while disposing of the present petitions and the pending applications, the respondent No.2-CISF is directed to file an affidavit within four weeks in W.P.(C) 272/2016 indicating *inter alia* as to whether compliance of the order dated 21st August, 2015, referred to above, have been made.

9. List W.P.(C) 272/2016 for awaiting the affidavit of the respondent No.2 on 18th February, 2016 in the category of "*Directions*".

10. *Dasti to parties.*

HIMA KOHLI, J

SUNIL GAUR, J

JANUARY 15, 2016

r/vn