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

+ W.P.(C) 974/2016 and CMs No.4262-63/2016

MANOJ KUMAR SAH

..... Petitioner

Through : Mr. Rakesh Kumar Dahiya, Advocate

versus

UNION OF INDIA AND ORS

..... Respondents

Through : Ms. Shiva Lakshmi, Advocate

**AND**

+ W.P.(C) 980/2016 and CMs No.4299/2016 and 4484/2016

SATISH CHANDRA

..... Petitioner

Through : Mr. P. Sureshan, Advocate

versus

UNION OF INDIA & ANR

..... Respondents

Through : Ms. Archana Gaur, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE HIMA KOHLI**

**HON'BLE MR. JUSTICE SUNIL GAUR**

**ORDER**

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**09.02.2016**

1. The present 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. 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** entitled Avijit Das Vs. Union of India & Ors., that were allowed by a Coordinate Bench vide Judgment dated 27<sup>th</sup> 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 23<sup>rd</sup> 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 27<sup>th</sup> May, 2015, another batch of matters that had raised the same issue, was allowed on 7<sup>th</sup> April, 2015, by the 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 24<sup>th</sup> 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 7<sup>th</sup> 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 7<sup>th</sup> April, 2015 pronounced by the Division Bench in the case of Jamila Hassina (supra) and vide order dated 24<sup>th</sup> 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 the applications are allowed 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. The petitions are disposed of along with the pending applications.

***DASTI*** to the counsel for the respondents.

**HIMA KOHLI, J**

**SUNIL GAUR, J**

**FEBRUARY 09, 2016**

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