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

+ W.P.(C) 2793/2016 & C.M. 11741/2016

AJAY KUMAR Petitioner

Through: Mr. Ankur Chhibber, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Bhagwan Swarup Shukla,
Central Government Standing
Counsel with Mr. S.S. Sejwal,
Law Officer & Mr. B.K. Rout,
Pairvi Officer

CORAM:

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

ORDER
31.03.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for issuing a writ of mandamus to the respondent-CRPF to release the benefits of House Rent Allowance (HRA) and Transport Allowance (TA) w.e.f. 8th November, 2011 till 30th November, 2015, with all the consequential benefits.

2. Mr. Ankur Chhibber, learned counsel for the petitioner submits that the petitioner was enrolled in the CRPF as an Assistant Sub-Inspector (Ministerial) on 20th January, 1995 and was posted at RTC-III, CRPF, Pallipuram Trivandarum. He was lastly posted as a Sub-Inspector

(Ministerial) at the Group Centre, Durgapur. While posted at the Group Centre, the petitioner was temporarily attached to the Pay and Accounts Office (PAO), CRPF, New Delhi vide Attachment Order dated 3rd November, 2011. He had reported to the aforesaid office on 8th November, 2011, and was taken on attachment strength as per order dated 9th November, 2011 issued by the respondents. The petitioner's attachment was extended at the Pay & Accounts Office, Delhi from time to time till 30th November, 2015. In this duration, the respondents had failed to grant the petitioner rent free accommodation or HRA/TPT allowance as per the CISF Rules, 1955. Hence, the present petition.

3. Learned counsel for the petitioner relies on several decisions of this Court on the same issue, including a judgment dated 16th November, 2009 in W.P.(C) 7582/2009 entitled Jayasankar M.N. Vs. UOI & Ors. and judgment dated 18th March, 2013 in W.P.(C) 1731/2013 entitled Insp.(M) Harvinder Singh Vs. Union of India & Ors. He states that the petitioner is entitled to the same benefits, as have been granted to the petitioner in judgment dated 25th August, 2014 in W.P.(C) 4284/2014 entitled Ajay Mohan Vs. Union of India & ors., whereunder the petitioner therein was granted the benefit of HRA, TPT allowance etc. for the duration for which he was transferred to various destinations but had factually remained attached to the office of Commandant, CRPF, New Delhi.

4. Counsel for the respondents, who appears on advance notice, draws the attention of this Court to the office order dated 3rd November, 2011 passed by the DIG, Group Centre, CRPF, Durgapur, particularly, the footnote thereof where it has been mentioned that the petitioner's case for

extension of the benefit of HRA,TPT allowance etc. will be considered after his detachment from the P & AO, CRPF.

5. Counsel for the petitioners states that it is an admitted position that the petitioner was detached from the Pay and Accounts office at Delhi on 30th November, 2015 and therefore, the respondents should have released the benefits of HRA, TPT allowance etc. to the petitioner immediately thereafter but they have failed to do so.

6. Counsel for the respondents submits that the petitioner shall be called upon to fill up the requisite form and to submit the necessary documents within two weeks and within four weeks therefrom, the benefit of HRA, TPT allowance etc. shall be released to the petitioner, subject to verification.

7. In view of the aforesaid submission, the present petition and the application are disposed of while cautioning the respondents to be more careful in future, so that those officers who are entitled to the benefit of HRA, TPT allowance etc., as the petitioner herein, are not compelled to approach the court for relief.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 31, 2016

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