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

+ W.P.(C) 3607/2016

PILORE VINOD SAHEBRAO Petitioner
Through: Mr. P. Sureshan, Advocate

versus

UNION OF INDIA AND ANR Respondents
Through: Mr. Prasanta Varma, Senior
Central Govt. Counsel, with Mr.
Prativa Varma, Advocate and Mr.
Anirudha Shukla, G.P., with Mr.
Ganesh Baloni, Asstt. Cdt. CISF

CORAM:

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

ORDER
24.05.2016

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1. The present petition has been filed by the petitioner praying *inter alia* for quashing/setting aside the letter issued by the respondent-CISF stating *inter alia* that there is no provision for payment of HRA arrears prior to 01.02.2016, the date on which Circular No.1/2016 was issued in compliance with the order dated 21.08.2015, passed by a Division Bench of this Court in W.P.(C). 7920/2015 and other connected matters and it was decided that where permission for outliving have been granted without HRA, it shall be incumbent upon the Unit to pay HRA to all such personnel.

2. Learned counsel for the petitioner submits that the impugned letter

runs contrary to the directions issued in the order dated 21.08.2015 and it was in pursuance to the said order that Circular No.1/2016 was issued.

3. Learned counsel for the respondents submits that the aforesaid anomaly has been duly addressed by the respondents by recently issuing Circular No.04/2016, wherein it has been clarified as under: -

“In compliance to the Hon’ble High Court of Delhi J.O. dated 08.04.2016 and Interim Order dated 03.05.2016, it is hereby decided that where permission for outliving has been granted without HRA, it shall be incumbent upon the Unit to pay HRA to all such personnel.

The requisite proforma required to be submitted by the incumbent personnel is enclosed herewith.

Considering the directions of the Hon’ble Court, the CISF personnel who have been granted outliving permission without HRA may be given HRA Arrears for last 3 years from the date of issuance of the Judgment Order i.e. 08.04.2016.

The contents of the Circular may be brought to the notice of all concerned for information and strict compliance.

This is in supersession of all the Circulars/letters to this effect.”

4. It is submitted that in view of the aforesaid clarification, it is now for the petitioners to directly approach the respondents for release of HRA arrears for the past three years from the date of passing the order dated 08.04.2016 in W.P.(C).3110/2016, entitled Poonam Kumari v. Union of India and Ors..

5. In view of the fact that the respondents have now clarified the position with regard to the release of HRA in terms of Circular No.

4/2016, the present petition is disposed of with liberty granted to the petitioner to approach the respondents by filing an application in the prescribed format for release of arrears of HRA for a period of three years anterior to 08.04.2016. Upon the petitioner submitting an application to the respondents, the said arrears shall be released in his favour within four months from today. If the said amount is not released in favour of the petitioner within the stipulated timeline of four months, 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.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 24, 2016

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