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

\+ W.P.(C) 4076/2016 and CM APPL. 17131-32/2016

ABHINAB KUMAR JHA ..... Petitioner
Through: Mr. P. Sureshan, Advocate

versus

UNION OF INDIA & ANR. ..... Respondents
Through: Mr. Vikas Mahajan, CGSC with Mr. Srikant Mishra, Mr. S.S. Rai and Mr. Amit Mehta, Advocates

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

O R D E R

% **09.05.2016**

1. The present petition has been filed by the petitioner praying *inter alia* for directions to the respondent No.2-CISF to pay him House Rent Allowance *(hereinafter referred to as 'HRA')* for the period from 01.09.2014 to 31.01.2016, to which he is legitimately entitled.

2. The petitioner herein, who is enrolled as a member 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. The petitioner was not provided with the Government Accommodation (Married).

3. Learned counsel for petitioner 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 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 petitioner 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 Division Bench in **W.P.(C) 3340/2015** entitled Jamila Hassina Vs. Union of India & Ors. Aggrieved by the said order, the respondents 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 the petitioner is 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 petitioner herein.

6. Accordingly, the present writ petition and the application are disposed of by issuing a writ of mandamus to the respondents that the petitioner be paid HRA from 01.09.2014 to 31.01.2016, as he was granted outdoor residence permission for the said period, though he was entitled to official accommodation (married). While making the payment of HRA, the monetary compensation paid to the petitioner 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 petitioner within a period of four months from today. If the said amount is not released to the petitioner 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 petition is disposed of alongwith the pending application.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 09, 2016
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