

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.16923 of 2015
Date of Decision:16.02.2017**

Jagroop Singh

... Petitioner

Vs.

Chandigarh Administration and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. T.N. Gupta, Advocate for the petitioner.

Mr. Harkesh Manuja, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant writ petition, the petitioner has sought for direction to the respondents to pay him House Rent Allowance at the rate of 20% instead of 15% from 1.8.2009 to 15.9.2010 alongwith interest @ 12% per annum from 1.8.2009 till payment is made. Further he has sought for quashing orders dated 8.7.2013, 24.11.2014 and 16.7.2015 (Annexures P-11, P-13 and P-15) issued by respondent No.2.

The petitioner is stated to have worked as a President of the District Consumer Disputes Redressal Forum-I in the Union Territory, Chandigarh w.e.f. 16.8.2007 upto 15.9.2010. His grievance is that he is entitled for HRA allowance @ 20% not 15% as is granted by the respondents. Further his revision for enhancement of HRA from 15% to 20% has been rejected. Thus, the present petition has been filed.

Learned counsel for the petitioner submitted that for the purpose of entitlement of 20% of HRA from 1.8.2009 to 15.9.2010, it is necessary to peruse relevant provision for grant of HRA read with Annexure P-3 and P-4 by which it is evident that petitioner is entitled for 20% HRA for the period from 1.8.2009 till 15.9.2010.

On the other hand, learned counsel for the respondents vehemently contended that having regard to the nature of appointment of the petitioner dated 12.11.2007, it is evident that he is entitled for HRA @ 15% + BP + DP per month for residing in his own house. Therefore, he is not entitled for 20% of HRA as claimed by him.

Heard learned counsel for the parties.

Crux of the matter is whether the petitioner is entitled for HRA @ 20% or 15%?

Perusal of Annexure P-2 dated 12.11.2007, it is evident that the petitioner is entitled to only 15% of HRA upto 1.8.2009 the date on which the implementation of recommendation of the 5th Pay Commission. Thus, rent allowance was modified. Further the same has been adopted by the Union Territory Chandigarh Administration on 19.8.2009 vide Annexure P-4. In view of these facts, the petitioner is entitled for HRA @ 20% during the period from 1.8.2009 to 15.9.2010. Hence, the impugned orders dated 8.7.2013, 24.11.2014 and 16.7.2015 (Annexures P-11, P-13 and P-15) issued by respondent No.2 are set aside. The second respondent is directed to pay the difference of HRA from 15% to 20% while calculating the same and disburse the amount alongwith 8% interest to the petitioner from 15.9.2010 till payment is made.

Petition stands allowed.

16.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No