

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

CWP No.2528 of 2015

Date of Decision: 10.10.2017

Nahar Singh and others

....Petitioners

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Tribhawan Singla, Advocate
for the petitioners.

Ms. Sudeepti Sharma, D.A.G., Punjab.

DAYA CHAUDHARY, J.

The petitioners have approached this Court by way of filing present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing the respondents to grant the arrears of House Rent Allowance to them @ 7½% of the basic pay for the period with effect from 01.01.2001 to 31.07.2009 in terms of judgment dated 04.04.2013 titled as ***Ajmer Singh and others vs State of Punjab and others (CWP No.5741 of 2012)***.

Briefly, the facts of the case, as made out in the present petition, are that the petitioners are working at Civil Hospital, Jagraon since 2000 and are being paid HRA @ 5%. The State of Punjab issued instructions on the basis of recommendations of Fourth Pay Commission that the employees working in the city, having more than 50000 population,

are entitled to get 7.5% of HRA of the basic pay. Petitioners are claiming said benefit as population of Jagraon City is more than 50000 as per census 2001. Some of the employees, who are working at Jagraon, filed **CWP No.5741 of 2012** which was allowed and a direction was issued to the respondents to grant HRA @ 7.5% of the basic pay. Petitioners made a representation for grant of similar relief but the same was not granted to them and hence, they filed **CWP No.11339 of 2014**, which was dismissed as withdrawn as the matter was pending before the respondent authorities. Thereafter, a legal notice was served upon the respondents but no action was taken thereupon. However, vide letter dated 08.12.2014, the petitioners received reply to the legal notice from the respondents that the matter was pending with the respondent authorities but still the same has not been decided.

Learned counsel for the petitioners submits that the issue in the present case is squarely covered by **Ajmer Singh's** case (supra).

Learned counsel for the respondent-State has not disputed the ratio of said judgment but opposes the submissions made by learned counsel for the petitioners.

Heard the arguments of learned counsel for the parties and have also perused the judgment passed in **Ajmer Singh's** case (supra).

The relevant portion of said judgment is reproduced as under :-

“ If that be so, city Jagraon which had more than 50000 population w.e.f 2001 as per census of Government of India which is to be taken as the basis for counting the population of a city, Jagraon is a class 'C' city entitling the employees of the Government of Punjab including the petitioners, to the HRA at the rate of 7.5% of the basic pay w.e.f. 01.01.2001. The

*impugned order dated 8.3.2011 (Annexure P-8), thus,
cannot sustain and the same stands quashed.*

*This writ petition is allowed. Petitioners are held
entitled to the HRA at the rate of 7.5% of the basic pay
w.e.f 1.1.2001 treating the town of Jagraon as Class `C`
city. Arrears be calculated and released to the
petitioners within a period of three months from the date
of receipt of certified copy of the order.”*

Petitioners, in the present case, are also posted at Jagraon and
are on equal footings. Hence, they are entitled for the benefit of HRA
@ 7.5% as has been given to similarly situated employees.

Accordingly, the present petition is allowed. The petitioners are
held entitled for the same relief, which has been granted to the petitioners in
CWP No.5741 of 2012. However, HRA is on the basic pay with effect from
the date the town of Jagraon has been treated as Class `C` city. Petitioners
are also held entitled for arrears. The necessary benefit be released to the
petitioners within a period of three months from the date of receipt of
certified copy of the order.

10.10.2017
gurpreet

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No