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

\+ W.P.(C) 2485/2014

ANAND SONKAR ..... Petitioner

Through: Mr. C.M.Jayakumar, Adv. for Mr. S.Sunil, Adv.

versus

UNIVERSITY OF DELHI AND ORS ..... Respondents

Through: Mr. Santosh Kumar, Adv. for R-1. Mr. Apoorv Kurup, Mr. V.C.Shukla and Mr. Ashish Sinha, Adv. for R/UGC

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

O R D E R

% 16.03.2017

1. In this writ petition, the issue which arises for decision is with respect to entitlement of the petitioner to claim HRA or disentitlement thereof and thus the employer's/college's right to recover the amounts wrongly paid towards HRA.

2. The issue in this case was decided in W.P.(C) 3583/2007 titled as ***Sh. Jagdish Prasad & Ors. Vs. University of Delhi & Ors.*** decided on 15.4.2015 holding that the writ petition was to be dismissed because HRA has been found to be wrongly paid to the petitioner.

3. The judgment in the case of ***Jagdish Prasad (supra)*** was carried in challenge before a Division Bench of this Court and the Division Bench vide its judgment dated 7.12.2016 in LPAs No. 374/2015 and 539/2015 has upheld the judgment dated 15.4.2015 in W.P.(C) 3583/2007. There was however a minor modification by the Division Bench as per its judgment whereby a committee was to be constituted to look into the issue as regards the recovery of excess HRA paid to the petitioner. This is observed in paras 32 and 33 of the judgment of the Division Bench in LPAs No. 374/2015 and 539/2015 and which read as under:-

> "32. Before we conclude, we must record that the trust/society colleges in the aforesaid situation may have to modify the terms and conditions of allotment of quarters, including the licence fee payable, the repair and maintenance charges, etc. The terms and conditions should be reviewed and the said exercise should be undertaken if this would ensure parity of license/rent paid by the Central Government employees, who are denied HRA on account of the fact that they are in occupation of Government accommodation. While fixing the licence fee, rentals, etc., the college authorities may also take into account the varying nature and type of the accommodation provided. These are issues and matters of larger concern and should be taken up by the University of Delhi and the respective societies/trust. However, as far as payment of HRA is concerned, the same must abide by the terms and conditions as applicable to the Central Government employees.
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> 33. With the aforesaid observations and directions, the appeals are disposed of upholding the judgment of the Single Judge that the appellants are not entitled to HRA. However, direction with regard to the payment of arrears with effect from 8 th March 2001 is modified. We have asked the UGC to set up a committee to go into different aspects, as pleaded and also apply the ratio in Rafiq Masih (supra). Recoveries would be made by the University of Delhi from specific employees in terms of the report of the said committee (see paragraph 28 above). In the facts of the case, there would be no order as to costs."

4. In view of the above, this writ petition is dismissed but with the directions to the employer/respondent as also the requisite authorities to act in terms of paras 32 and 33 of the judgment of the Division Bench dated 7.12.2016 in LPAs No. 374/2015 and 539/2015.

VALMIKI J. MEHTA, J

MARCH 16, 2017
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