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

+ W.P.(C) 6223/2013

RACH PAL SINGH Petitioner
Through Mr. U. Srivastava, Advocate.

versus

UNION OF INDIA & ORS Respondent
Through Mr. Jaswinder Singh and Ms. Shipra
Shukla, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **15.09.2017**

Counsel for the respondents has obtained instructions in terms of the order dated 16th May, 2017. He submits that in view of the judgment dated 8th April, 2016 in W.P. (C) No. 3110/2016, ***Punam Kumari Vs. Union of India and Ors.***, circular No.04/2016 has been issued to the effect that the CISF personnel who had been granted outliving permission without House Rent Allowance (HRA) may be given HRA arrears for last 3 years from the date of the judgment i.e. 8th April, 2016.

2. The contention of the counsel for the respondents is that the petitioner would not be entitled to payment of HRA for the period 9th February, 2012 to 27th December, 2012 as he had not sought and prayed for outliving permission.

3. The petitioner, Rach Pal Singh is working as a Constable

(General Duty) and was posted with 5th Reserved Battalion at Ghaziabad on 9th February, 2012. Thereupon, his name was entered into Quarter Allotment Seniority Register at serial No.100. As per the respondents, 25%, as per seniority, of the posted/authorized strength of the battalion were entitled to family quarter. As the petitioner during the period 9th February, 2012 to 27th December, 2012, was lower down in seniority, he was not given family accommodation and was paid compensation in lieu of quarter @ Rs. 875/- per month. This amount was less than HRA. The petitioner was allotted family quarter on 27th December, 2012. Obviously, on or after 27th December, 2012, the petitioner would not be entitled to HRA as he was living in the family quarter provided by the respondents.

4. The respondents in the counter affidavit have not denied that the petitioner was entitled to family accommodation when posted with 5th Reserved Battalion at Ghaziabad. The respondents were not in a position to allot and give family accommodation to the petitioner in spite of his entitlement. The respondents have in paragraph 1 under the heading “BRIEF FACTS OF THE CASE” has accepted that no quarter was vacant at that time i.e. on 9th February, 2012 and also that quota of family quarter as per the authorization of Constable had already been utilized.

5. This being the position, in view of our decision dated 30th August, 2017 in W.P. (C) No. 6720/2016, **Anand Kumar Vs. Union of India & Ors.**, the petitioner would be entitled to HRA for the period 9th February, 2012 to 27th December, 2012. However, while making payment of the same, the respondents would be entitled to

deduct/adjust monthly compensation paid to the petitioner under Sub-Rule 3 to Rule 61 of the CISF Rules, 2001. The balance payment would be released within four months from the date a copy of this order is received. In case payment is not made within four months, the respondents would pay interest @ 8% per annum from the date of this order till payment is made. In the facts of the present case, there would be no order as to costs.

SANJIV KHANNA, J

NAVIN CHAWLA, J

SEPTEMBER 15, 2017
NA