

\$~18

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

+ W.P.(C) 5056/2016

ANIL KUMAR SHARMA Petitioner
Through: Mr. Alok Sinha, Adv.

versus

GOVERNMENT OF NCT DELHI AND ORS Respondents
Through: Mr. Prashant Sivarajan, Adv. for
Mr. Ankur Chibber, Adv. for R1.
Ms. Shaheen and Mr. Puneet Taneja,
Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

05.07.2017

The present petition is confined to the following two prayers in view of the order dated 30th May 2016 of this court:

- “a. To pass direction to the respondent to grant Subsistence Allowance to the petitioner from the date of the Order of Suspension as per law;*
- b. To issue direction to the respondent that after expiry of Six months managing committee is authorized to increase the subsistence allowance appropriately after expiry of six months;”*

Counter affidavit has been filed. Learned counsel for the petitioner states that the petitioner has been paid the subsistence allowance till April, 2017, which is disputed by the learned counsel appearing for the respondent no.2, who states that subsistence allowance for the month of May, 2017 has

also been paid. According to the learned counsel for the petitioner, the subsistence allowance is being paid at 50% of Basic pay + DA. According to him, the HRA is not being paid. He also states that under the Rules, the petitioner is entitled to HRA also. He also states that the suspension having been effected from 7th November, 2015, which is more than 1½ years back, the petitioner is entitled to the enhanced subsistence allowance.

On the other hand, learned counsel appearing for the respondent no.2 states that she has no instructions in this regard.

As the grievance of the petitioner as on date is with regard to the payment of HRA and the enhanced subsistence allowance, this court is of the view that the petition can be disposed of by directing the respondents to consider the aforesaid two submissions now made by the learned counsel for the petitioner and pass appropriate orders within two weeks from today and communicate the same to the petitioner within two weeks thereafter. If the amounts are payable then the same shall be paid to the petitioner within three weeks thereafter. If the petitioner is aggrieved with the order to be passed by the respondent no.2, he shall be at liberty to challenge the same.

The petition is disposed of.

V. KAMESWAR RAO, J

JULY 05, 2017/jg