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

+ W.P.(C) 7809/2016

RESHMA PAIK

..... Petitioner

Through

Ms.Seema Sharma and Mr.Prashant
Kumar, Adv.

versus

UNION OF INDIA & ANR.

..... Respondents

Through

Ms.Sangita Rai, SCGSC with
Mr.Pradeep Singh Tomar, Adv.

26 WP(C) 7811/2016

DEBADRITA DAS

..... Petitioner

Through

Ms.Seema Sharma and Mr.Prashant
Kumar, Adv

versus

UNION OF INDIA & ANR.

..... Respondents

Through

Ms.Sangita Rai, SCGSC with
Mr.Pradeep Singh Tomar, Adv

28 WP(C) 7815/2016

RANJIT DHAL

..... Petitioner

Through

Ms.Seema Sharma and Mr.Prashant
Kumar, Adv

versus

UNION OF INDIA & ANR.

..... Respondent

Through

Ms.Sangita Rai, SCGSC with
Mr.Pradeep Singh Tomar, Adv

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER
24.04.2017

The petitioners, namely Reshma Paik, Ranjit Dhal, and Debadrita Das have filed the present writ petitions seeking directions for payment of arrears of Transport Allowance for the period 08.09.2014 to 30.07.2015; 08.09.2014 to 31.03.2015; and, 08.09.2014 to 31.03.2015, respectively.

2. Earlier, Reshma Paik and Ranjit Dhal, had filed W.P. (C) Nos. 433/2016 and 430/2016 seeking directions for payment of House Rent Allowance (HRA, for short) as well as the Transport Allowance. By order dated 21.01.2016, the said writ petitions were allowed in respect of the claims for HRA, placing reliance on the judgments of this Court in WP(C) 1712/2016 *Inspector/Executive Jaspal Mann vs. UOI & Ors.* and WP(C) 5407/2015 *Avijit Das vs. UOI & Ors.* Order dated 21.01.2016 had observed and held :

“Accordingly, the present writ petitions and the applications are allowed by issuing a writ of mandamus to the respondents that the petitioners would be paid HRA for the period for which they were granted outdoor residence permission, if no official accommodation (married) has been made available to them. While making the payment of HRA, the monetary compensation paid to the petitioners in terms of sub-Rule 3 of Rule 61 of the CISF Rules, 2001 shall be duly adjusted. The said payment shall be released to the petitioners within a period of four months from today. If the said amount is not released to the petitioners within the stipulated timeline, then the same

shall be paid by the respondents along with simple interest @8% per annum after the expiry of four months, till the date of payment."

Liberty was granted to the two petitioners to seek their remedies with regard to the payment of arrears of transport allowance, by filing separate petitions.

3. The representations made by the two petitioners for payment Transport Allowance having been not acceded to, the petitioners have filed the present writ petitions.

4. Debadrita Das, the writ petitioner in WP(C) 7811/2016, was granted outdoor residence permission on 8.9.2014 and had stayed/resided in an accommodation outside the unit line. He was paid transport allowance for the period starting from 1.4.2015, but, denied the arrears from 8.9.2014 to 31.3.2015. Ranjit Dhal and Reshma Paik have been granted and paid HRA, though, the outdoor residence permission granted by the authorities had stipulated that HRA and transport allowance would not be paid. Debadrita Das has been paid HRA, though, the condition imposed while permitting stay outside the CISF campus had stipulated that both HRA and transport allowance would not be paid.

5. We have considered the contentions of the respondents and the

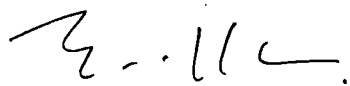
reasons why the petitioners have been denied Transport Allowance.

6. Transport Allowance is paid when the employee does not use official transport. It is undisputed and accepted that the petitioners were not using official transport. Therefore, the Transport Allowance has been denied to them solely relying upon the terms and conditions of the letter granting outside line accommodation permission. Identical stipulation with regard to non-payment of HRA, has not been accepted as a ground to deny payment of the said allowance. In conformity and following the same reasoning, transport allowance cannot and should not be denied, for the stipulation and condition imposed in the letter granting outside line permission. Official memorandum dated 29.8.2008, states that Transport Allowance would be denied when the employee was using official transport for commuting from place of residence to work and back. It is accepted and admitted position that the petitioners were not using official vehicle for commuting from residence to work and back. To deny transport allowance in the given circumstances would not be justified.

7. We, therefore, allow the present writ petitions with the direction that the respondents would pay Transport Allowance to the petitioners, for the period specified in para 1 above, within a period of two months from the

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date of receipt of copy of this order. In case, Transport Allowance is paid within the said period, the respondents would not be liable to pay interest. However, if, payment is made beyond the period of two months from the date of receipt of copy of this order, the respondents would be liable to pay interest @8% p.a. from the date of receipt of copy of this order, till payment is made. No order as to costs.


SANJIV KHANNA, J


ANIL KUMAR CHAWLA, J

APRIL 24, 2017/rs/rc