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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 15.03.2018

+ W.P.(C) 3683/2015

DR. D.S. SINGH

..... Petitioner

Through: Mr. T.N. Singh with Mr.
Vikas K. Singh, Advocates

versus

THE INDIAN COUNCIL OF AGRICULTURAL
RESEARCH AND ORS.

..... Respondents

Through: Mr. S.S. Lingwal, Advocate

CORAM:-

HON'BLE MR. JUSTICE RAJIV SHAKDHER

RAJIV SHAKDHER, J. (ORAL)

1. According to the learned counsel for the petitioner, the only grievance that the petitioner has is with regard to the rate at which House Rent Allowance (HRA) is presently paid to the employees of Indian Institute of Vegetable Research (in short "Institute").
2. There is no dispute raised before me by the counsel for the parties that the said Institute is governed by respondent no. 1/Indian Council of Agricultural Research.

3. Learned counsel for the petitioner says that since the institute is located in District-Mirzapur (U.P.), the HRA ought to be paid to the employees at the rate of 10%.

3.1 It is the petitioner's submission that HRA, in fact, is being wrongly paid to the employees of the Institute, being paid at the rate of 20% by showing that it is located in District-Varanasi (U.P.).

4. Pertinently, the petitioner has retired from service and has received HRA at the rate of 20%. This fact is affirmed by the petitioner, who is present in Court. According to the petitioner, he received HRA at the rate of 20% as at the relevant time, the Institute had its office located in District-Varanasi (U.P.). In support of this submission the counsel for the petitioner has, *inter alia*, relied upon the land records (Annexure P-6) and the sale deed dated 1.5.1996 (Annexure P-7). Counsel for the petitioner says that in the lease deed dated 10.11.1995, the location of the Institute's office is shown contrary to the land records, in District-Varanasi (U.P.).

5. I have asked both the counsel for the petitioner and the petitioner, who is present in Court, as to the relevant rules, whereby, the HRA is paid and is linked to the location of the Institute. Counsel for the petitioner says that the relevant rules are not available with him.

5.1 It is pertinent to note that there is no reference to the rules in the writ petition as well.

6. In these circumstances, the writ petition is disposed of with the direction to respondent no.1/Indian Council for Agricultural Research (ICAR) to look into the matter since it involves outflow of funds and thereafter, if necessary, take requisite follow up steps. In case, HRA has been wrongly paid, the same will be recovered in accordance with law.

7. I may only note that counsel for respondent no. 1 and 2 vehemently objects to the assertion advanced on behalf of the petitioner that the Institute is located in District-Mirzapur (U.P.). As indicated above, respondent no. 1/ICAR will examine the matter and, thereafter, pass a speaking order. A copy of the same will be furnished to the petitioner.

8. The writ petition is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

MARCH 15, 2018
Nk/rb