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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4783/2016**
HC/GD RAGHUVIR SINGH Petitioner
Through: Mr. Anuj Aggarwal, Advocate.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Vikram Jetly, CGSC.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% 15.05.2018

1. Learned counsels for the parties draw our attention to the order dated 24.08.2017, which is extracted herein below for ready reference:-

“There are two disputes which arise for consideration. First dispute pertains to amount of Rs.30,182/- payable on account of House Rent Allowance which as per the petitioner was kept in a cash box to be disbursed but has not been paid.

The respondent/UOI has produced before us certain registers which show that payment of this amount along with Rs.7,644/- was paid/dispensed on 31.07.2007.

Counsel for the petitioner, however, has relied on Annexure ‘A1’ on page 58 and has drawn our attention to the date beneath the signatures, which is 02.08.2007. The respondents have doubted this document.

The petitioner is also present in person and has been shown the signatures on the disbursement register. The petitioner accepts the signatures and states that only salary was paid.

In view of the signatures of the petitioner on the disbursement register, we are not inclined to go into this question, which is debatable. We would not examine this factual dispute

after nearly 10 years. It would be impossible for us to decipher and reach a clarity on facts to reach a firm conclusion in view of the long delay and time gap.

The second aspect relates to payment of House Rent Allowance from 01.07.2010 to 13.05.2016. The petitioner during this period was attached with different battalions on paper strength and was attached to the Ministry of Home Affairs at New Delhi.

*In **Anjana vs. UOI & Others, W.P. (C) 11872/2016** decided on 11.04.2017 after referring to several earlier decisions it has been held that such employees were entitled to House Rent Allowance as applicable to those posted in Delhi, even if their paper posting was outside Delhi.*

The petitioner is, therefore, entitled to House Rent Allowance at the rate as payable to employees posted in Delhi as he was attached with the Ministry of Home Affairs.

Counsel for the respondent/UOI, however submits that the petitioner did not fill up Annexure II which is a certificate required to be given by a government servant for claiming House Rent Allowance.

Counsel for petitioner states that the petitioner was asked to submit non-availability of accommodation certificate, albeit the certificate would pertain to Delhi and cannot be for the place of paper posting. Certificate would neither be issued by the authorities in Delhi, nor authority attached with the battalions.

Respondents are unable to point out the process for issue of certificate.

In these circumstances, we direct the petitioner to make a representation to the Director General, CRPF, who on the basis of the said representation will forward the applications to the concerned authorities.

The certificates in accordance with law would be issued expeditiously preferably within a period of one month from the date of representation.

Relist on 7th November, 2017.”

2. Learned counsel for the petitioner states that in view of the order dated 24.08.2017, the relief in the present petition was confined to the payment of HRA, Transport Allowance & City Compensatory Allowance to the petitioner for the period between 04.01.2003 to 30.09.2009 as Constable (DG) and for the period between 01.07.2010 to 13.05.2016, as Head Constable (GD), when he was serving at the MHA, North Block, New Delhi on an attachment basis.

3. Learned counsel for the respondents states that three non-availability of Government Accommodation Certificates, two of them dated 11.05.2018 and one dated 14.05.2018, have been issued by the Competent Authority. Copies thereof have been handed over and taken on record with copies furnished to the counsel for the petitioner.

4. The respondents are directed to take appropriate steps to release the HRA, Transport Allowance & City Compensatory Allowance to the petitioner for the relevant periods as per his entitlement in accordance with law, within a period of eight weeks from today.

5. The present petition is disposed of.

HIMA KOHLI, J

PRATIBHA RANI, J

MAY 15, 2018

na/ap