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

+ **W.P.(C) 11689/2016**

SANTOSH SINGH

..... Petitioner

Through: Dr.Vijendra Mahandiyan with
Ms.Pallavi Awasthi, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Vivekanand Mishra, Sr.Panel
Counsel UOI.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

13.11.2018

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1. The Petitioner, who was recruited as Constable in the CISF on 12th April 1992 is seeking, in this writ petition, a direction to the Respondents to pay him the House Rent Allowance (HRA) due to him for the period 1st May to 29th August 2015 while he was serving in the CISF Unit, Mumbai.

2. The admitted position is that the Petitioner was transferred from the CISF Unit, Amritsar Airport to ASG Mumbai by a movement order dated 10th May 2015. Earlier the Petitioner filed WP(C) 1646 of 2016 in this Court. It was disposed off by an order dated 26th February 2016 with the direction that the Petitioner would submit the requisite form for grant of HRA to the Respondents who would process the same and release the HRA payable to him within 4 weeks thereafter. Pursuant thereto, the Respondents released

HRA to the Petitioner for the period of August 2009 to 12th November 2009 and 6th December 2014 to April 2015. The Petitioner wrote to the Respondents on 23rd March 2016 requesting that a fresh action be taken on his application dated 8th May 2015 for allotment of a family accommodation.

3. The Petitioner states that by an office memorandum dated 1st July 2015 he was allotted government accommodation at the CISF Unit, Mumbai Airport but he was handed over possession thereof only on 29th August 2015. His family shifted from outside to Mumbai on 1st October 2015. Accordingly, the Petitioner claims that he is eligible for HRA for the period from 1st May 2015 to 29th August 2015.

4. In reply to the legal notice issued, the Respondents by a letter dated 28th October 2016 informed the Petitioner that he had not been granted out living permission for the period from 1st May to 29th August 2015.

5. The question regarding the eligibility of a member of the CISF to HRA when the family accommodation to which he is entitled is not allotted, is no longer *res integra*. It stands settled the decisions of this Court in ***Jaspal Singh Mann v. Union of India (2009) ILR 1 Delhi 165*** and ***Anand Kumar v. Union of India*** [decision dated 30th August 2017 in W.P.(C) No.6720/2016]. The Court in the said decisions has held that, in terms of the Rule 61 of the CISF Rules, the members of the CISF would be entitled to HRA when they are not provided family accommodation to which they are entitled. It has also been categorically held that the HRA would be available “even in cases where barrack accommodation is provided” and

even in such cases where a person entitled to married accommodation is allotted an unmarried accommodation.

6. The Court is informed that the SLP filed by the Respondents against the decision in *Jaspal Singh Mann* (supra) was dismissed by the Supreme Court. The SLP filed against the decision in *Anand Kumar* (supra) stated to be pending in the Supreme Court but no stay of the judgment of this Court has been granted.

7. In that view of the matter since the legal position stands settled in the aforementioned decisions of this Court, this Court allows the present writ petition and directs the Respondents to pay to the Petitioner the HRA due to him for the period 1st May to 29th August 2015 while he served with the CISF Unit, Mumbai without any family accommodation allotted to him, after deducting any family accommodation allowance that has already been paid to him, within a period of 8 weeks from today failing which the Petitioner would be entitled to interest on the said amount at 9% simple interest per annum for the period of delayed payment.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018

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