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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7640/2017

SATYABIR SINGH

..... Petitioner

Through: Dr Vijendra Mahndiyan and Ms.
Pallavi Awasthi, Advocates.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Vijay Joshi, Senior Panel Counsel
with Mr Sanjay Kumar, Inspector for
the Respondents.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

13.11.2018

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1. By this petition, the Petitioner, who retired from service as an Inspector in the Central Industrial Security Force ('CISF'), seeks to claim house rent allowance ('HRA') for the period from 1st June 2013 to 31st December 2014 while he was serving at CISF Unit, IGI Airport, New Delhi.

2. This is the second round of litigation. Earlier, in W.P.(C) 10899/2016 preferred by the present Petitioner, this Court in its order dated 6th December 2016 directed the Respondents to treat that petition as a representation of the petitioner for release of HRA and to dispose of the same expeditiously. Consequent thereto, the Respondents passed the order No. PR-11018/CISF/GBS/QM/2017/496 dated 25th January 2017 by which

the Petitioner's request was declined. This order is impugned in the present petition.

3. *Inter alia*, a stated reason for refusal of the Petitioner's request is that the he did not apply for "out living permission" and, therefore, his name was not considered for such permission by the House Allotment Committee.

4. However, the same order notes that on regular transfer, the Petitioner reported at the CISF Unit, GBS on 12th April 2013 and that "on arrival in this unit, he had applied for "Govt. Accommodation/HRA seniority for grant of HRA as per rule". It is further noted that the Petitioner's name was listed in the rankwise seniority list of Inspectors for grant of HRA and that he was placed at serial number 13 on the seniority list.

5. What is also not in dispute is that the Petitioner was given a leased flat by way of family accommodation by the DIAL Management at his previous unit for a period of two months. Admittedly, the Petitioner vacated that flat on 30th May 2013. The Petitioner, therefore, confined his claim for HRA to the period from 1st June 2013 to 31st December 2014.

6. The plea that the Petitioner was paid family accommodation and allowance (CIAQ), at the prescribed rate, as noted in the impugned order, also does not answer the plea that he is entitled to the HRA for the period when he was not allotted the family accommodation to which he was entitled.

7. At least two Division Benches of this Court have, by the decisions 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], categorically 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.

8. In that view of the matter, this Court allows the present writ petition and directs that the Respondents pay to the Petitioner the HRA for the period from 1st June 2013 to 31st December 2014 within a period of eight weeks from today, failing which, the Petitioner would be entitled to simple interest @ 9% per annum thereon for the period of such delayed payment. Any payment made as family accommodation allowance will be adjusted against such payment.

9. The petition is disposed of in above terms.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018

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