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

+ **W.P.(C) 8065/2017**

KAVITA

..... Petitioner

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

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Rajesh Kumar, Advocate.

CORAM:

JUSTICE S. MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

13.11.2018

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1. The Petitioner who was recruited as Lady Constable in the CISF in November 2006 has filed the present petition claiming a direction to the Respondents to pay arrears of House Rent Allowance ('HRA') for the period from 13th August 2016 till the date she was serving in the CISF Unit, IGI Airport, New Delhi.

2. The admitted position is that pursuant to the movement order issued to her, the Petitioner reported at the CISF Unit, IGI Airport, New Delhi on 1st August 2016. As per the counter affidavit filed by the Respondents, she submitted an application dated 3rd August 2016 for out-living permission with HRA. This was entered at Sr. No.5772 in the HRA seniority register.

The Petitioner's request was not acceded to as the quota for out living permission for HRA (45%) had already been exhausted.

3. The legal position as regards the entitlement of members of the CISF to HRA when they are not allotted the accommodation to which they are entitled is no longer *res integra*. It was first considered by this Court in its decision in ***Jaspal Singh Mann v. Union of India (2009) ILR 1 Delhi 165*** and followed later in ***Anand Kumar v. Union of India*** [decision dated 30th August 2017 in W.P.(C) No.6720/2016]. Therein it was 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 the 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.

4. The Court is informed that while the SLP filed by the Respondents against the decision in ***Jaspal Singh Mann*** (*supra*) was dismissed, the SLP against the decision in ***Anand Kumar*** (*supra*) is pending but no stay has been granted on this Court's order.

5. With the legal position being settled by 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 her from the period 13th August 2016 till such date she was posted with the CISF Unit, IGI Airport after deducting the amount paid to her towards family accommodation allowance within a period of 8 weeks from today, failing

which the Petitioner would be entitled to simple interest at 9 % per annum on the amount for the period of delayed payment.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

NOVEMBER 13, 2018

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