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

+ **W.P.(C) 4839/2019 & CM APPL. 24536/2016**

BRIJESH KUMAR

..... Petitioner

Through Mr. P. Sureshhan, Advocate.

versus

**DIRECTOR GENERAL, CENTRAL INDUSTRIAL SECURITY
FORCE & ORS**

..... Respondents

Through Mr. Dilbag Singh, CGSC with
Inspector Sanjay Kr., CISF

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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18.12.2019

1. The prayer in this petition is as under:

a) Pass a writ of mandamus directing the respondent to grant full HRA from 5.4.2017 to 30.6.2017, ie @24% of Basic Pay, 5 % HRA from 1.7.2017 to 15.9.2017 and 5% HRA with TPT from 15.9.2017 to the date of final disposal, of the present petition, to the petitioner.

b) Pass a writ of mandamus directing the respondents to grant HRA along with TPT to the petitioner whenever the respondents are unable to give family accommodation at the place of posting.

c) Quash and set aside the office dated 31.8.2017 issued by the respondent for giving reduced HRA to the CISF personal as the same is illegal and ultra virus to the constitution of India.

d) Direct the respondents to pay entire arrears along with 18% interest from the date it become due and payable.

e) To direct the respondent to pay costs of this litigation.

f) Any other further order/relief which is Hon'ble Court may deem fit and proper in the facts and circumstances of the case, may also be passed in favour of the petitioner and as against the respondent.”

2. On an identical issue there are several decisions of this Court in favour of the Petitioners, a sampling of which is as under:

i. ***Jaspal Singh Mann v. Union of India 2009 ILR 1 Delhi 165*** (the SLP against which filed by the Union of India has been dismissed).

ii. Decision dated 30 August, 2013 in W.P. (C) 6720 of 2016 (***Anand Kumar v. Union of India***)

iii. Decision dated 13th November, 2018 in W.P (C) No. 6085/2017 (***Arvind Kuamr Jatav v. Union of India***).

iv. Judgment dated 26.02.2019 in W.P (C) No. 11415/2017 (***Sahik Abdul Khalik v. Director of General***)

3. Learned counsel for the Respondents states that SLPs have been filed in the Supreme Court against the decisions at (ii) to (iv) above and are pending there. He however does not dispute that there is no stay granted in any of the said SLPs.

4. Since the relief sought by the Petitioners are fully covered the aforesaid decisions of this Court, this Court allows the writ petition and directs the respondent to grant petitioner full house rent allowance (HRA) from 5th April, 2017 to 13th June, 2019, i.e. @ 24% of basic pay, 5% HRA from 1st July, 2017 to 15th September, 2017 and 5% HRA along with transport allowance from 15th September, 2017 till date.

5. The above amount shall be paid within 12 weeks. Future payment of HRA will continue be made as long as the Petitioners are entitled thereto.

6. The petition along with pending application are disposed of in the above terms.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 18, 2019

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