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

+ **W.P.(C) 13105/2019**

SHAMBHU KUMAR

..... Petitioner

Through Mr. Apar Chopra and Mr. Kartik
Sarsoovia, Advocates

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Gigi.C. George, Advocate for
UOI

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

% **13.12.2019**

CM APPL. 53422/2019 (exemption)

1. Exemption allowed, subject to all just exceptions.

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2. The prayer in the present petition is for quashing a signal dated 5th July, 2019 whereby the benefit Office Memorandums ('OMs') dated 11th August, 2016 and 8th January, 2019, in the matter of grant of additional House Rent Allowance ('HRA') and Mess allowance with effect from 16th November, 2016, has been withdrawn.

3. The Petitioner is admittedly posted in the DIG's office in J&K. That he is entitled to additional HRA is not in dispute. The only question to consider is the date from which he would be entitled to such allowance.

4. The Respondents initially issued a sanction order dated 23rd February, 2019 granting the benefit to the Petitioner with effect from 16th November, 2016. However, without issuing any show cause notice to the Petitioner, the said benefit was withdrawn by the subsequent impugned order dated 5th July, 2019.

5. Placed on record is a copy of the clarificatory OM dated 8th November, 2019, which makes it amply clear that personnel of the CAPF who are posted in the Kashmir Valley, would be entitled to avail the additional HRA from the date of their positing and not only from the date of the issuance of the OM.

6. In that view of the matter, the writ petition is allowed and the impugned signal dated 5th July, 2019 is quashed. The benefit already granted to the Petitioner by the order dated 23rd February, 2019 is restored. The Petitioner will continue to be paid the additional HRA as long he is posted in J&K.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 13, 2019

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