

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2020

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THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No. 2336 of 2017
and WMP. No. 2319 & 2320 of 2017

Hitesh Kumar

..Petitioner

Vs

1. Union of India
Rep.by its Secretary,
Ministry of Home Affairs,
New Delhi.

2. Central Industrial Security Force,
Rep.by its Director General
Block No. 13- CGO Complex,
Lodhi Road, New Delhi -110003

3. The Deputy Inspector General (DIG)
Central Industrial Security Force
Headquarters South Zone, Rajaji Bhawan,
D Block, Besant Nagar,
Chennai -600090

4.The Senior Commandant
Central Industrial Security Force Unit
Chennai International Airport,
Meenambakkam -600027.

5.Airports Authority of India
represented by the Airport Director,
Chennai International Airport,
Meenambakkam - 600027.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay all applicable allowances in the nature of House Rent Allowance Transport Allowance and Medical out door allowance as per the Central Service (Revised Pay) Rules 2008 and applicable office memorandums.

For Petitioner : M/s. V.Raghavachari
For Respondents : Mr. K.Raju, CGSC - R1 to R4
Mr.R.Parthiban - R5

O R D E R

The prayer sought for in the Writ Petition is to direct the respondents to pay all applicable allowances in the nature of House Rent Allowance Transport Allowance and Medical out door allowance as per the Central Service (Revised Pay) Rules 2008.

2. Heard both sides and perused the documents available on record.

3. The learned counsel for the petitioner submitted that the writ petitioner had joined the CISF in the year 2012 and subsequently, he was transferred to Chennai International Airport. The petitioner was provided with the accommodation in the barrack along with his other colleagues. Those residing with their families are provided with traveling allowance and are also paid house rent allowance, if they live outside the quarters provided by the 5th respondent and those residing in the quarters of the 5th respondent are provided with travel allowance. These allowances are being paid the similarly placed persons working in other regions. Hence, claiming the said allowances, the petitioner has made representation and the same is still pending without consideration. Hence, this writ petition.

4. It is also brought to the notice of this Court by Letter No. V-14013/APS/CC-410/AKD/LC/2014, dated 29.12.2016, wherein the relief has been granted to the similarly placed persons worked in Airport at Calcutta. Therefore, there should not be any discrepancy among the similarly placed persons working in the different regions. Hence the petitioner is entitled for the said relief.

5. To support the entitlement of the writ petitioner for grant of relief, the learned counsel for the petitioner placed reliance of the following judgments.

- i. Order of the High Court of Delhi at New Delhi in W.P. (C) No. 4015 of 2014 dated 13.11.2014 in the case of Rajesh Kumar Vs. Union of India & Others.
- ii. Order of the High Court of Delhi at New Delhi in W.P. (C) No. 5407 of 2015 dated 27.03.2015 in the case of Avijit Das Vs. Union of India & Others.
- iii. Order of the Hon'ble Supreme Court in SLP.No. 15026 of 2015 in the case of Union of India & Others Vs. Jamila Hasina.

6. It is submitted by the learned counsel for the petitioner that in the aforesaid judgments, similar relief has been elaborately discussed and granted and therefore, the writ petitioner herein is also entitled to be granted the aforesaid allowance as prayed for by him.

7. On the other hand, the learned counsel for the respondents submitted that the contention of the petitioner that he was not paid HRA is not maintainable as the petitioner has been allotted accommodation, he is not entitled to HRA. However in respect of other allowance viz., Family Accommodation Allowance and Medical Outdoor Claim, he is entitled to draw. He has further submitted that some of the claims are pending for certain clarifications and the same will be settled in due course.

8. On a perusal of records, it is found that the present writ petition was originally filed as Public Interest Litigation and subsequently by order of the Hon'ble Division Bench of this Court dated 01.02.2017 it came to be registered as service dispute and posted before this Court as per roster.

9. Considering the facts and circumstances of the case and the submissions made by the learned counsels appearing for the parties concerned, the only dispute in the present case is with regard to the non granting of other allowances viz., House Rent Allowance and Traveling Allowance by the respondents, as has been paid to the similarly placed persons working in other regions and as per the decisions made in the judgments cited supra. It is also found that the writ petitioner has made representation on 25.12.2016 to the respondent seeking the aforesaid relief, but no orders have been passed on the aforesaid representation. Taking note of the fact that the writ petitioner had relieved from service, but during the service period, the entitlements of the petitioner are to be considered by the authorities concerned.

10. In view of the above, this Court without expressing any opinion on the merits of the case, inclined to direct the 1st respondent to consider the representation dated 25.12.2016 on merits and in accordance with law, as expeditiously as possible, in any event, within a period of twelve weeks from the date of receipt of a copy of this order, insofar as House Rent Allowance and Transport allowances are concerned.

11. With the above directions, the writ petition is disposed of . No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director General
Central Industrial Security Force,
Block No. 13- CGO Complex,
Lodhi Road, New Delhi -110003
3. The Deputy Inspector General (DIG)
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5. The Airport Director
Airports Authority of India
Chennai International Airport,
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- +1 CC to Mr. R. Parthiban, Advocate (SR.No.10207)
+1 CC to Mr. K. Raja, Advocate (SR.No.10278)
+1 CC to Mr. V. Raghavachari, Advocate (SR.No.10253)

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SSD(CO)
AT(20/05/2020)