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

+ **W.P.(C) 4148/2021 & C.M.No.12606/2021**

RAM SURAT SINGH Petitioner
Through Mr.P.Sureshan, Advocate.

Versus

DIRECTOR GENERAL CISF & ANR. Respondents
Through Mr.Avnish Singh, Advocate with
Inspector Sanjay Kumar, CISF.

+ **W.P.(C) 4149/2021 & C.M.No.12607/2021**

CHANDRA PRAKASH SINGH Petitioner
Through Mr.P.Sureshan, Advocate.

versus

DIRECTOR GENERAL CISF & ANR. Respondents
Through Mr.Avnish Singh, Advocate with
Inspector Sanjay Kumar, CISF.

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Date of Decision: 05th April, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petitions have been filed challenging the order dated 31st August 2017 issued by the Respondents whereby the HRA given to the Petitioners, was reduced. Petitioners seek directions to the Respondents to

grant and pay the balance 5% HRA from June 2018 to November 2019 along with TPT (transport allowance) for the said period together with 18% interest from the date it become due and payable till the date of payment.

2. Petitioner in W.P. (C) No.4149/2021 also seeks direction to the Respondents to grant full TA & DA which is applicable to family members on transfer from one unit to another.

3. Learned counsel for the Petitioners states that the Petitioners are members of CISF who were not provided with family accommodation by the Respondents while they were posted in CISF Unit at IGI Airport, New Delhi. He further states that since the family accommodation had not been provided by the Respondents, the Petitioners had taken rented accommodations for their families outside the unit. He points out that even though the Petitioners were entitled to get 24% HRA along with TPT allowance, yet the Petitioners were granted only 19% HRA for the said period.

4. He emphasises that 19% HRA is payable to a person staying in a bachelor accommodation inside the Unit Campus and the Respondents declined to grant TPT allowance for the said period by treating the Petitioners as staying at barrack bachelor accommodation instead of family accommodation.

5. He states that in W.P. (C) No.4149/2021, the Petitioner and his family were denied Travel Allowance when the Petitioner had moved from CISF Unit at IGI Airport, New Delhi to CISF Unit ASG, Coimbatore on transfer.

6. Issue notice. Mr.Avnish Singh, Advocate accepts notice on behalf of the Respondents.

7. He states that House Rent Allowance has been paid to the Petitioners in accordance with the office order dated 31st August, 2017 issued by the Office of Deputy Inspector General, CISF.

8. Having perused the paper book, this Court finds that the issues raised in the present writ petitions are no longer *res integra* as this Court in **W.P.(C) No.4839/2019** titled **Brijesh Kumar vs. Director General, Central Industrial Security Force** vide order dated 18th December, 2019 has granted similar reliefs. The said order is reproduced hereinbelow:-

“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. ”*

9. At this stage, learned counsel for the Respondents states that a Special Leave Petition has been filed against the aforesaid judgment and order which is pending consideration before the Apex Court.

10. Since there is no stay of the aforesaid judgment, this Court disposes of the present writ petitions in accordance with the judgment and order dated 18th December, 2019 in W.P.(C) No.4839/2019 and directs the Respondents to grant and pay the balance 5% HRA to the petitioners from June 2018 to November, 2019 along with TPT allowance for the said period within twelve weeks. The petitioner in W.P.(C) No.4149/2021 shall also be entitled to full TA & DA which is applicable to family members on

transfer from one unit to another. With the aforesaid directions, the present writ petitions along with pending applications stand disposed of.

MANMOHAN, J

ASHA MENON, J

**APRIL 05, 2021
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