

\$~53

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

+ **W.P.(C) 9853/2021 & CM APPLs. 30335-30336/2021**

SURENDER PAL SINGH

..... Petitioner

Through **Mr. P Sureshan, Advocate.**

versus

**UNION OF INDIA THROUGH SECRETARY MINISTRY OF HOME &
ORS.** Respondents

Through **Mr. Sandeep Tyagi, Senior Panel counsel with
Mr. Jitender Tripathi, Adv for UOI.**

%

Date of Decision: 8th September, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

MANMOHAN, J. (Oral)

1. The hearing has been done by way of video conferencing.
2. Present writ petition has been filed challenging the office order dated 31st August, 2017 issued by the Respondents for giving reduced HRA to CISF personnel. Petitioner also seeks directions to the Respondents to pay balance 5% HRA from July, 2017 to January, 2021 by following the orders passed by this court in W.P.(C) No. 4839 of 2019 dated 18th December, 2019 as well as in W.P(C) 4148/2021 dated 5th April, 2021 and to pay entire arrears along with 18% interest from the date it became due and payable.
3. Issue notice.
4. Mr. Tyagi, learned counsel for the respondents accepts notice.

5. Admittedly, the issue raised in the present writ petition is no longer *res integra* as this Court in W.P.(C) 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."*

6. Though, the Special Leave Petition is pending consideration before the Apex Court, yet there is no stay. Accordingly, this Court disposes of the present writ petition in accordance with the judgment and order dated 18th February, 2019 in W.P.(C)4839/2019 and directs

the respondents to pay the balance 5% HRA to the petitioners from February, 2017 to January, 2021 within twelve weeks. With the aforesaid direction, the present writ petition alongwith pending applications stands disposed of.

7. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

NAVIN CHAWLA, J

SEPTEMBER 8, 2021
AS

