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

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***Date of decision: 30.05.2022***

+ W.P.(C) 4296/2018

ANAND KUMAR

..... Petitioner

Through: Mr.P. Sureshan & Ms.Roma Singh,  
Advs.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr.Vijay Joshi & Mr.Rahul Mourya,  
Advs.

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**J U D G M E N T (oral)**

1. Vide the present petition, petitioner prays as under:

- a. *To declare that the office order dated 31.08.2017 issued by the respondents from its various units for giving HRA benefit at a reduced rate of 5% to barrack members against normal 24% of the basic pay is ultra vires and unconstitutional as the same is violative of Article 14 of the Constitution of India;*
- b. *Direct the respondents to grant full HRA to the petitioner for the relevant period on the basis of the Government of India circular dated 07.07.2017;*



- c. *Direct the respondents to pay balance 5% HRA from 01.07.2017 to 31.03.2018 (wrongly typed 31.03.2017) along with interest @ 18% p.a.;*
- d. *Direct the respondents to grant all transportation charges and travel allowance to his family members in view of petitioner's transfer from CISF IGI Unit to CGPL Mundra Gujarat by treating the petitioner as family member.*

2. Having perused the paper book, this Court finds that the issues raised in the present writ petition is 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 18.12.2019 has granted similar reliefs as sought by the petitioner in the W.P.(C) 4839/2019. 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.”*

3. Learned counsel for the respondents submits that an SLP has been filed in the Hon'ble Supreme Court of India and as observed by this Court in the order dated 01.02.2019, stay has not been granted by the Apex Court in SLP(C) No.6456/2018 i.e. in the *Anand Kumar* case. On enquiry, the learned counsel for the respondents submit that there is no change in the circumstances as today also and there is no stay granted by the Apex Court.

4. It is also worthwhile to note that this court in W.P.(C) 4148/2021 in



***Ram Surat Singh vs. Director General CISF & Anr. & W.P.(C) 4149/2021***  
in ***Chandra Prakash Singh vs. Director General CISF & Anr.*** vide a common order dated 05.04.2021 has also granted similar reliefs to those as sought by the petitioner in the present writ petition.

5. Since the relief sought by the petitioner is fully covered by the aforesaid decisions of this Court, this Court allows the writ petition and directs the respondent to grant petitioner balance 5% HRA from 01.07.2017 to 31.03.2018 along with interest @ 18% p.a. along with all transportation charges and travel allowance to his family members in view of petitioner's transfer from CISF IGI Unit to CGPL Mundra Gujarat by treating the petitioner as family member.

6. 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.

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

**(SURESH KUMAR KAIT)**  
**JUDGE**

**(SAURABH BANERJEE)**  
**JUDGE**

**MAY 30, 2022/ab**