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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 17<sup>th</sup> March, 2023

+ W.P.(C) 2680/2023 & CM APPL. 10351/2023

SIYAD M

Through: Mr. Zahid ..... Petitioner  
Advocate. Mehmood,

versus

UNION OF INDIA & ORS.

Through: Mr. Shrey Sharawat, Sr. Panel ..... Respondents  
Counsel with Mr. Ankit Verma  
Govt. Pleader for UOI with S.I.  
Amit Kumar & S.I. Prahlad  
Devenda.

**CORAM:**

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

**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

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

1. Vide the present petition, the petitioner is seeking following reliefs:

*“a.) Issue a writ mandamus directing the respondent to grant full HRA w.e.f. 03.07.2021;*

*b.) Pass a writ of Certiorari for quashing and set aside the office order dated 03.02.2023 vide which recovery of 5% of HRA allowance which had been paid to the petitioner for first six months of his tenure (qua petitioner only);*

*c.) Issue a Writ of Certiorari for quashing and set aside the impugned order dated 17.01.2023 of the respondents through which they rejected the plea of the petitioner for grant of full HRA 27% w.e.f. 01.01.2021 to till date as the same is illegal and ultra-virus to the constitution of India;*

*d.) Pass a Writ of Mandamus directing the respondents to grant Full HRA to the petitioner whenever the respondents are unable to give family accommodation at the place of posting;*

*e.) Direct the respondents to pay entire arrears of 5% along with 18% interest from the date it became due and payable or w.e.f. 03.07.2021 (if recovery made) otherwise from 01.01.2022;*

*e.) To direct the respondents to pay cost of this litigation. ”*

2. Learned counsel on behalf of the petitioner submits that the issues raised in the present petition are no more *res integra* as this Court in Brijesh Kumar vs. Director General, Central Industrial Security Force W.P.(C) 4839/2019 decided on 18.12.2019 has granted similar reliefs and also in the following cases, the same reliefs have been granted:

- (i) Ram Surat Singh vs. Director General CISF & Anr. W.P.(C) 4148/2021 decided on 05.04.2021,
- (ii) Chandra Prakash Singh vs. Director General CISF & Anr. W.P.(C) 4149/2021 decided on 05.04.2021,
- (iii) Surender Pal Singh vs. Union of India Through Secretary Ministry of Home & Ors. W.P.(C) 9853/2021 decided on 08.09.2021,
- (ii) Mohammed Isham vs. Union of India And Ors. W.P.(C) 13442/2021 decided on 06.01.2022.

3. Accordingly, we hereby dispose of the present petition directing the respondents to treat the present petition as a representation and decide the same based on the lines of aforementioned cases within six weeks.

4. The decision, so taken, shall be communicated to the petitioner in writing within one week thereafter.

5. The present petition along with pending application is disposed of.

6. Needless to state that if the petitioner is still aggrieved by the decision of the respondents, he may challenge the same before the appropriate forum.

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

**(NEENA BANSAL KRISHNA)**  
**JUDGE**

**MARCH 17, 2023**  
*S.Sharma*

