

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-9906-2018
Date of Decision: 13.02.2024

Dalbir Singh ...Petitioner

Versus

Bhakra Beas Management Boards and others ...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anshul Gupta, Advocate for the petitioner
Mr. Pranav Chadha, Advocate for the respondents

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is setting aside of order dated 26.10.2017 (Annexure P-22) whereby Bhakra Beas Management Board (for short '**Board**') has rejected claim of the petitioner for House Rent Allowance (for short '**HRA**').
2. The petitioner was working with respondent-Board and he retired on 31.12.2012 on attaining the age of superannuation. The respondent-Board vide letter dated 07.12.2012 (Annexure P-3) re-employed him. The said re-employment was extended from time to time and accordingly, the petitioner remained in service till 24.08.2016. It is apt to notice that in the re-employment letter dated 07.12.2012 (Annexure P-3), it was mentioned that the petitioner would be entitled to HRA in lieu of accommodation whereas in the re-employment letter dated 19.08.2014 (Annexure P-12), it was jotted down that the petitioner shall not be entitled to HRA.

3. Mr. Anshul Gupta, Advocate contends that the petitioner in terms of re-employment letter dated 19.08.2014 (Annexure P-14) was not entitled to HRA w.e.f. 01.07.2014, however, he was entitled to HRA w.e.f. 01.01.2013 to 30.06.2014.

4. Mr. Pranav Chadha, Advocate submits that the petitioner vacated his official accommodation on 19.02.2013 and he claimed HRA vide letter dated 02.04.2013 (Annexure P-5), thus, he is not entitled to HRA.

5. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

6. From the perusal of record, it is evident that in the re-employment letter dated 19.08.2014 (Annexure P-12), it was specifically mentioned that the petitioner would not be entitled to HRA, thus, he cannot claim HRA w.e.f. 01.07.2014. As per re-employment letter dated 07.12.2012 (Annexure P-3), the petitioner was entitled to HRA in case he does not stay in official accommodation. The petitioner, on the date of retirement, was occupying official accommodation and he vacated the said accommodation on 19.02.2013 and in this regard, duly intimated respondent-Board. The petitioner vide letter dated 02.04.2013 (Annexure P-5) claimed HRA w.e.f. 01.03.2013. The petitioner vacated accommodation w.e.f. 19.02.2013 and asked the respondent-Board to pay HRA w.e.f. 01.03.2013 and as per re-employment letter dated 07.12.2012 (Annexure P-3), he was entitled to HRA in lieu of his official accommodation. The prayer of the petitioner for HRA for the period from 01.03.2013 to 30.06.2014 is sustainable and deserves to be allowed and accordingly allowed.

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7. In the wake of above discussions and findings, this Court directs the respondent-Board to pay HRA to the petitioner for the period from 01.03.2013 to 30.06.2014 within three months from today.
8. Disposed of in above terms.

(JAGMOHAN BANSAL)
JUDGE

13.02.2024
Mohit Kumar

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No