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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5053/2022, CM APPL. 38277/2023 –Dir. by Petr.**
LOKESH YADAV

.....Petitioner
Through: **Mr. Raj Singh Phogat and Mr. Amit Raj, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents
Through: **Mr. T. P. Singh, Ms. Pooja Jha and Ms. Chetna Singhal, Advs.**

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MS. JUSTICE SHALINDER KAUR

% **ORDER**
07.08.2024

1. The petitioner, who is serving in the Indian Coast Guard as an Uttam Navik, has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

*“(a) Issue a writ of mandamus or Certiorari and or any other suitable writ, order or direction to the Respondents to pay the benefits of House Rent Allowances as applicable to the Petitioner and vide MOD letter No. 15(3)/2017/D(CG) dated 1st March 2019 in terms of the 7th pay commission as the Petitioner is member of the Armed Force of the Union of India under the Coast Guard Act, 1978 and
(b) To issue writ of mandamus or Certiorari and or any other suitable writ, order or direction to the Respondents to pay the benefits of House Rent Allowances as applicable to the Petitioner for vide GOI MOD resolution 29th August 2008 and 30th August 2008 in terms of the 6th pay commission recommendations.*



(c) To issue order for striking down any direction/ rules or instructions against the GOI MOD letter No. 15(3)/2017/D(CG) dated 1st March 2019 and vide GOI resolution 29th August 2008 and 30th August 2008 for the for grant of the HRA to the Petitioner.

(d) To pass any other /further order/ direction as this Hon'ble Court may deem fit and proper in the light of facts and circumstances explained above, in favour of the Petitioner and against respondents, in the interest of justice."

2. Learned counsel for the respondents submits that while it is undisputed that in terms of the directions issued by the respondent no. 1 on 01.03.2019, House Rent Allowance (HRA) was payable to enrolled personnel and followers of the Indian Coast Guard with effect from 01.07.2017, payments on this count, could not be released till October, 2022 as there was no clarity regarding the classification of field / non-field postings. After the necessary clarification in this regard was received in October, 2022, the amended procedure for claiming HRA for enrolled personnel and followers for non-field posting / staying in barracks was circulated vide Coast Guard Headquarter's letter dated 31.10.2022. Consequently, all enrolled personnel and followers are being granted benefit of HRA as per these guidelines.

3. In response, learned counsel for the petitioner, submits that once the respondent no. 1 has issued directions for payment of HRA to enrolled personnel and followers of the Indian Coast Guard w.e.f. 01.07.2017, it was for the respondents to issue appropriate procedure. Therefore, he submits that despite his entitlement to receive HRA from 01.07.2017, the petitioner has been paid HRA only with effect from March, 2022. He, therefore, prays that the respondents be directed to pay HRA to the petitioner for the period between 01.07.2017 to 28.02.2022, for which purpose, an application has already been submitted by the petitioner through proper channel on



21.03.2023.

4. In the light of the plea of the petitioner, learned counsel for the respondents, on instructions, assures the Court that the petitioner's application, if found to be in order, will be duly considered by the respondents as per the laid down guidelines within a period of eight weeks and in case, he is found eligible for receipt of HRA, the due amount will be released in his favour within a further period of six weeks.

5. In the light of the aforesaid stand taken by the parties, the writ petition is disposed of by directing the respondents to decide the petitioner's pending application dated 21.03.2023 towards his claim for HRA between 01.07.2017 to 28.02.2022, within a period of eight weeks. To avoid any ambiguity in this regard, a copy of the said application has been handed over to the learned counsel for the respondents in Court.

6. It is further directed that in case, it is found that the petitioner is eligible for receipt of HRA for the aforesaid period, the said amount will be released in his within six weeks thereafter.

7. Needless to state, in case, the petitioner is aggrieved by any order passed by the respondents, it will be open for the petitioner to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 7, 2024/ss