



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

% Date of decision: February 15, 2024

+ W.P.(C) 9691/2019

(69) RAM UGRAH SHARMA

..... Petitioner

Through: Mr. Ankur Chhibber and Mr. Nikunj Arora, Advs.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr. Jitesh Vikram Srivastava, Senior Panel Counsel with Mr. Prajesh Vikram Srivastava, Adv. along with ASI/ Sanjiv Kumar Singh, CRPF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:-

“(i) Set aside / quash the order of respondent dated 15.10.2018 whereby the entitlement of petitioner for transport allowance has been declined by the Respondent .

(ii) Set aside / quash the &21.01.2019 whereby the entitlement of petitioner for risk allowances has been declined by the Respondent.

(iii) Direct the respondents to pay to the petitioner risk and transport allowances w.e.f the date of suspension with all consequential benefits.

(iv) Direct the respondent to pay to the petitioner subsistence allowances alongwith increments and arrears accrued during



the suspension period on account of non .payment of transport and risk allowances.

(v) And/ OR issue any other appropriate Writ order or directions which this Hon'ble Court deem fit and proper in the above facts and circumstance and interest of justice;”

2. The only plea urged by Mr. Chhibber is that the claim of the petitioner is for Transport Allowance ('TA', for short) during the period of suspension of the petitioner by the respondents.

3. The submission of Mr. Chhibber is that the issuance of office order dated October 06, 2018, which we reproduce as under, the respondents had directed the petitioner to daily present himself in the office of Deputy Commandant (Admin) and mark his attendance and as the petitioner has been marking the attendance, he is entitled to the TA.

DTD- 06TM October, 2018

OFFICE ORDER

Shri Ram Ugrah Sharma, Second in Command (IRLA-5907) posted in 42 BN CRPF, after being declared Headquarter GC, CRPF, Jharoda Kalan , New Delhi-72 by Order of Honorable Delhi High Court has been granted permission for Coming and going (out living) from his allotted Govt. Quarter 36-Z, Chitragupta Road, Paharganj New Delhi to GC CRPF, Jharoda Kalan, New Delhi from Dated-04/09/2018 to interim order of Honorable Delhi High Court on the following condition:-

A. The Officer will daily present in this office and marked his attendance in the Office Of Deputy Commandant (Adm).

B. For any type of misconduct he, himself will be responsible.



C. The officer will leave outside to the camp on his own responsibility.

D. The Officer gives his contact no. to Control Room and keep it always operational.

Authority:- Approved by The Deputy Inspector General of Police, GC, CRPF, New Delhi vide Office Note Dated-05/10/2018.

-SD-

(Vinay Kumar, A/C)

For DIGP, GC, CRPF, New Delhi-72
MEMO NO-A-II-01/18-19-GC-BLDG

4. On the other hand, the learned counsel for the respondents has drawn our attention to the OM at page 43 of the counter affidavit to contend that the policy did not permit payment of TA during the period of suspension. The said provision reads as under:-

“According to provision of CCS (CCA) Rules, 1965, suspended officer do not attend office during his suspension. Therefore, there is no justification for granting Transport Allowance for the period of suspension”

5. The said provision shall not be applicable in the facts of this case, more so, in view of the stipulation in the office order which state that the petitioner shall daily present himself in the office of Deputy Commandant (Admin) which means that the petitioner has to travel from his quarter to the office of the Deputy Commandant (Admin) and as such, he shall be entitled to TA. That apart, as during suspension, the petitioner is paid subsistence allowance only and as such there is no reason for the respondents to deny the petitioner TA as per Rules.



6. In the facts and circumstances of the present case, the petitioner shall be entitled to TA as per rules, during the period of suspension, as and when he has reported to the office of Deputy Commandant (Admin).
7. With the above, the petition is disposed of.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 15, 2024/ds