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

+ W.P.(C) 15668/2022

S P RATH

.....Petitioner

Through: Mr. S.R. Padhy, Adv.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Gaurav Sharma, SPC with Mr. Rajat Yadav, Ms. Archana Chaudhary, Mr. Nirbhay Sharma, Ms. Devna Arora, Ms. Hrishika Pandit, Mr. Tarveen Singh Nanda, Adv. with Mr. Prabhakar, Dy. Commandant and Mr. Priyavrat Sharma, Commandant.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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25.07.2024

1. Petitioner has approached this Court under Article 226 of the Constitution of India seeking a direction to the respondent to release his House Rent Allowance (HRA) for the period between 01.04.2019 to 30.06.2019 when he was posted at 25th Battalion, Shashastra Seema Bal (SSB) at Ghitorni, New Delhi, and was staying with his family in a rented accommodation in Laxmi Nagar, Delhi.

2. Learned counsel for the petitioner submits that when the petitioner was transferred to Ghitorni, New Delhi where, there were no vacant Type-IV quarters available, the petitioner had to stay in a private accommodation



during the period of his posting at Ghitorni, New Delhi and was, therefore, entitled to receive HRA.

3. On the other hand, learned counsel for the respondent opposes the petition and submits that two vacant Type-IV quarters were available at Ghitorni during the aforesaid period and would have been allotted to the petitioner, had he submitted an application in this regard. He, therefore, prays that the petitioner, not having applied for a quarter at the relevant time, was rightly denied payment of the HRA.

4. Having considered the submissions of the learned counsel for the parties and perused the record, we find that vide his letter dated 09.05.2019, the petitioner had specifically submitted that since no vacant quarter of Type-IV category was available and the only Type-IV quarter which had been recently vacated by Deputy Commandant G. S. Thakur was likely to be allocated to a Medical Officer, he be paid HRA. This letter of the petitioner was not responded to by the respondents.

5. In these circumstances, even if the respondent's plea that the petitioner did not specifically exercise his right for allotment of a quarter by applying for the same were to be accepted, we are of the view that no useful purpose would have been served by moving such an application. The respondent having not responded to the petitioner's representation dated 09.05.2019, the petitioner's plea that there was no Type-IV vacant quarter during the said period which could have been allotted to the petitioner, has to be accepted.

6. In the light of the aforesaid, we allow the petition by directing the respondent to release the HRA payable to the petitioner for the period from 01.04.2019 to 30.06.2019 whereafter the petitioner was transferred to



Frontier Headquarter, Patna. Payment in terms of this order will be made within a period of eight weeks from today.

7. The writ petition is accordingly disposed of in the aforesaid terms.

REKHA PALLI, J.

SHALINDER KAUR, J.

JULY 25, 2024/ss