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

+ **W.P.(C) 1852/2017**

GAURAV

.....Petitioner

Through: Mr. Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Barkha Babbar and Ms. Dipanjali Tyagi, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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23.07.2024

1. The petitioner has approached this Court under Article 226 of the Constitution of India seeking a direction to the respondents to pay him arrears of House Rent Allowance [HRA] and Transport Allowance [TPT] for the period between 01.06.2014 to 16.12.2016 when he continued to remain on attachment with the Ministry of Home Affairs [MHA].
2. By drawing our attention to paragraph 1 of the brief facts of the counter affidavit filed by the respondents, learned counsel for the petitioner submits that while the respondents do not deny that the petitioner had continued to remain attached with the MHA till 16.12.2016, they have illegally/ arbitrarily denied him HRA and TPT for the aforesaid period on the premise that no order extending his attachment with the MHA beyond 31.05.2014 was ever passed. He submits that once it is undisputed that the petitioner continued to remain under attachment with the MHA till



16.12.2016, he cannot be deprived of his due benefits merely because no formal order of attachment is available on the record of the respondents.

3. On the other hand, Ms. Barkha Babbar, learned counsel for the respondents seeks dismissal of the writ petition by contending that the petitioner is not entitled to HRA as he has already been paid Compensation in Lieu of Quarter [CILQ] from 01.04.2015 to 31.12.2016. She, however, is not in a position to deny that the petitioner has not been paid any TPT for the entire period between 01.06.2014 to 16.12.2016. Further she is also not in a position to deny that no CILQ was paid to the petitioner for the period between 01.06.2014 to 31.03.2015.

4. In the light of the aforesaid stand taken by the parties, we are of the view that the petitioner is correct in urging that merely because a formal order of his attachment with the MHA after 31.05.2014 is not available in the records of the respondents, he cannot be deprived of the allowances payable on attachment with the MHA, especially when the respondents do not deny that he continued to remain on attachment with the MHA till 16.12.2016. We are, therefore, of the view that the petitioner is entitled to be paid TPT for the period between 01.06.2014 to 16.12.2016, during which period he remained attached with the MHA. However, taking into account the he has already received CILQ for the period between 01.06.2014 to 31.03.2015, he will be entitled to receive HRA only for the remaining period between 01.06.2014 to 31.03.2015.

5. The writ petition is, accordingly, allowed by directing the respondents to release in favour of the petitioner the arrears towards HRA for the period between 01.06.2014 to 31.03.2015 and arrears towards TPT for the period between 01.06.2014 to 16.12.2016 within a period of 12 weeks from today.



In case this amount is not paid within the time so granted, the respondents will be liable to pay interest @ 6% p.a. on the same.

REKHA PALLI, J

SHALINDER KAUR, J

JULY 23, 2024 / SU