



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

280

CWP-5744-2024 (O&M)

Decided on :30.04.2025

HARISH SEHGAL AND OTHERS

. .Petitioner

Versus

STATE OF PUNJAB AND OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rajeev Sharma, Advocate for the petitioners.

Mr. Malkiat Singh, DAG, Punjab.

Mr. Kshitij Sharma, Advocate for respondents No. 4 & 5.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the prayer of the petitioners is that their station of posting is in Derabassi and Kharar, District SAS Nagar, Mohali and as the population of Derabassi and Kharar is more than 50,000, but less than 5lakhs the said stations shall be termed as a 'C' class stations in view of the recommendation of 5th Pay Commission, so that grant of the benefit of House Rent Allowance granted to the petitioners with the increase from 10% to 12.5 % of the basic pay.

2 Learned counsel for the petitioner submits that for 'C' class stations, the House Rent Allowance is set the rate of 12.5 % of the basic pay whereas, the petitioners who are stationed in Derabassi and Kharar, District SAS Nagar, Mohali are being given the House Rent Allowance as is given



to 'D' class station which is @ 10 % of the basic pay.

3. Learned counsel for the petitioner further submits that as per information provided in the RTI, as per the Census Department, the population of Derabassi and Kharar, District SAS Nagar, Mohali is more than 1 lakh, whereas, the stations are to be treated as a 'C' class station, in case the population is 50,000 or more but less than 5 lakhs, hence, the petitioners are entitled for the grant of HRA @ 12.5 % of the basic pay from the date, Derabassi and Kharar, District SAS Nagar, Mohali by treating the said stations as 'C' class station as per 5th Pay Commission.

4. Learned counsel for the respondent No. 4-High Court submits that as of now, no such notification has been issued by the State of Punjab which has been supplied to the High Court so as to treat Derabassi and Kharar, District SAS Nagar, Mohali as a 'C' class station for the grant of HRA under 5th Pay Commission and in case, any such information is supplied to the High Court, the benefit admissible to such kind of employees whose station of posting is Derabassi and Kharar, District SAS Nagar, Mohali, they all will be granted the benefit as per the recommendation of the State of Punjab.

5. Learned State counsel is directed that appropriate communication be sent to the High Court within the period of **four weeks** to the receipt of certified copy of this Court as to whether Derabassi and Kharar, District SAS Nagar, Mohali are to be treated as a 'C' class stations or 'D' Class stations, if yes, from which date.

6. Keeping in view the recommendation of the State of Punjab, the High Court is directed to consider the claim of the petitioners and in case they are found entitled for the grant of any benefit by treating Derabassi and Kharar, District SAS Nagar, Mohali as 'C' class stations, under



recommendation of 5th Pay Commission for the grant of HRA the same will be granted to them from the day when Derabassi and Kharar, District SAS Nagar, Mohali have been declared as 'C' class stations by State of Punjab with regard to grant of House Rent Allowance.

7. Any arrears admissible to the petitioners will also be given to them within the period of 8 weeks of the receipt of any such notification from the State of Punjab, in case, the petitioners are found entitled for such benefit of increased House Rent Allowance.

8. The present petition is disposed of in above terms.

9. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

30.04.2025

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Whether speaking/reasoned: YES

Whether Reportable: NO