IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P (S) No. 4349 of 2018

Ajit Kumar Singh, son of Late Markandey Singh, resident of 6e, Subhashree Apartment, Opposite Ban Bandhu Parishad, Bariatu Road, P.O. & P.S. Bariatu, Ranchi, Jharkhand.

..... Petitioners

V E R S U S

1. M/S Bharat Coaking Coal Limited through its Chairman-cum-Managing Director having its office at Kolya Nagar, P.O & P.S-Kolya Nagar District-Dhanbad.
2. The Director Personnel, B.C.C.L, At P.O- Kolya Nagar, P.O & P.S- Kolya Nagar District-Dhanbad.
3. The H.O.D (Administration), B.C.C.L, Kolya Nagar, P.O & P.S-Kolya Nagar District-Dhanbad.
4. Senior Manager (Administration), B.C.C.L, Kolya Nagar, P.O & P.S- Kolya Nagar District-Dhanbad.

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner(s) : Ms. Shruti Shrestha, Advocate
For the Resp.-State : Mr. A.K.Mehta, Advocate
Mr. Amit Kumar Sinha, Advocate

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C.A.V. ON: 06/08/2026 **PRONOUNCED ON:04/11/2026**

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner praying therein for quashing of the orders dated 27.04.2017 (Annexure-6), 09.02.2018 (Annexure-8) and 18.10.2023 (Annexure 10); whereby payment of House Rent Allowance (HRA) for the period 01.03.2011 to 29.02.2012 and 01.09.2016 to 30.04.2017 has been rejected.

3. As per the averments made in the writ petition, the petitioner was appointed on 01.09.1983 and was posted as Welfare Officer at Bharat Coking Coal Limited.

4. A letter dated 10/14.12.2010 was issued by the Area Manager, P.B Area, BCCL addressed to the Personnel Manager,

CCWO Saraidhella to advise the petitioner to vacate Qr. No. C – 49 situated at Karmik Nagar and accommodate him elsewhere. Pursuant thereto, the petitioner vacated quarter No. C – 49 allotted to him on 01.03.2011 and shifted to his own house. On 10.03.2011, the petitioner made an application for payment of HRA in prescribed format. However, sanction for payment of HRA was given from March 2012.

5. In April 2012 the petitioner was transferred from BCCL to CCL; another subsidiary company of Coal India Limited, and thereafter again in September, 2016 he was transferred back to BCCL. The petitioner submitted his joining in BCCL on 19.09.2016 and made an application for payment of HRA w.e.f. 19.09.2016 i.e. the date of his joining. However, the competent authority sanctioned payment of HRA w.e.f. 27.04.2017 instead of 19.09.2016 by placing reliance on FD's decision dated 02.02.2015 which provided that sanction of the HRA will be prospective.

6. Mrs. Shruti Srestha, Ld. Counsel for the petitioner draws attention of this Court to Annexure – 7 to the writ petition which is the Coal India Executives House Rent Allowance Rules, 2010 in order to submit that as per Clause 4.2 of the Rules aforesaid *"An Executive who refuses or surrenders accommodation offered to him by the Company shall not be eligible for House Rent Allowance except for those executives who*

surrender the company's accommodation to reside in the house owned by him/wife / children / father / mother."

7. Placing reliance on clause 4.2 of the Coal India Executives, HRA Rules, 2010, the Learned Counsel for the petitioner submits that it is an admitted position that the petitioner was residing in his own house for the period commencing from 01.03.2011 to 29.01.2012 and 01.09.2016 to 30.04.2017. Therefore, the action of the respondents in sanctioning HRA from the date on which the competent authority granted approval for payment of HRA is absolutely illegal and arbitrary.

8. Ld. Counsel further submits that the petitioner cannot be made to suffer for the inaction on the part of the respondents for keeping the matter pending for month's altogether and thereafter taking a stand that HRA would payable only from the date of sanction by the competent authority.

9. Mr. Anoop Kumar Mehta, Ld. Counsel representing the respondents defended the impugned orders. He submits that that House Rent Allowance is admissible to an executive posted in BCCL only after sanction by the competent authority which is always prospective and the same is applied uniformly to all executives. In support of his contention, he relied upon the Resolutions of the Functional Directors dated 02.02.2015

circulated vide letter dated 18.02.2015 which clearly provides that all the sanction of the HRA will be prospectively.

10. Ld. Counsel further submits that for executives, Coal India Limited formulates rules and regulations in respect of various issues of service conditions and are circulated to all the subsidiaries of CIL where these rules are adopted after deliberations in meeting of their Functional Directors meet. Different subsidiary adopts the rules made by CIL keeping in view the ground realities of that subsidiary company, such as availability of quarter, financial position of the company at the relevant time etc.

11. Having heard Ld. Counsel for the parties and after going through the records of the case it transpires that for the period 01.03.2011 to 29.02.2012 and 01.09.2016 to 30.04.2017, the petitioner was residing in his own house. Admittedly, no official accommodation was allotted to him by the respondent company for the period in question.

The respondents also do not deny the admissibility of the House Rent Allowance if no official accommodation is allotted to the employee.

12. The contention of the respondents that HRA is payable only from the date on which the competent authority sanctions it, is not at all acceptable to this Court for the plain and simple reason that the employee cannot be made to suffer for the

inaction on the part of the respondents to take prompt decision on the application of the employee.

13. In the case in hand, the petitioner had applied for payment of HRA on 10.03.2011 which was sanctioned after a long delay of 1 year i.e. from March 2012. Similarly for the second period, application for HRA was made on 19.09.2016 but sanction was given only on 27.04.2017 i.e. after a delay of about 8 months.

Certainly, the petitioner cannot be faulted with for this inordinate delay in sanctioning the HRA by the Competent Authority.

14. Furthermore, the Coal India Executives, House Rent Allowances Rules, 2010; more particularly clause 4.2, clearly stipulates that an executive shall be entitled to HRA if he resides in the house owned by him / wife / children / father / mother. Admittedly, the petitioner was residing in his own house for the period in question.

15. This Court is also of the view that the resolution of the Functional Directors of the respondent company circulated vide letter dated 18.02.2015 which provides that sanction of the HRA will be prospective cannot override the Coal India Executive, House Rent Allowance Rules, 2010.

16. Accordingly, the writ petition stands allowed and the impugned orders dated 27.04.2017 (Annexure – 6), 09.02.2018

(Annexure - 8) and 18.10.2023 (Annexure – 10), are hereby, quashed and set aside.

17. The respondents are accordingly directed to calculate the arrears of House Rent Allowance for the period 01.03.2011 to 29.02.2012 and 01.09.2016 to 30.04.2017 and make payment of the same to the petitioner within a period of 8 weeks from the date of receipt / production of a copy of this order; failing which the petitioner shall also be entitled for simple interest, over and above the calculated amount of HRA @ 7% per annum from the date of entitlement till the date of actual payment.

18. Consequently, the instant writ petition stands allowed in the aforesaid terms. Pending I.A., if any, stand closed.

(Deepak Roshan, J.)

Dated:04/11/2026
Amardeep/
A.F.R
Uploaded
5.11.2026