



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

CWP-20207-2016
Date of decision: 11.02.2026

Sushil Singla

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Arun Singla, Advocate
for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

Ms. Sukhmani Patwalia, Advocate
for the respondent-U.T.

Mr. Vishal Mehta, Advocate for
Mr. Mehardeep Singh, Advocate
for the respondent-PUNSUP.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the order dated 17.02.2011 (Annexure P-14) and further, for issuance of a writ in the nature of *mandamus* directing the respondents to release all the arrears of house rent allowance which was withheld arbitrarily w.e.f. 06.09.1996 till May, 2010 to the petitioner along with 18% interest on delayed payment.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner joined the services of the respondent-Corporation on 29.06.1984 and retired on 31.08.2014. In August, 1996, the House Rent Allowance (hereinafter

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referred to 'HRA') of the petitioner was already stopped on the pretext that his wife is working in the State Bank of India who has been allotted official accommodation from the bank without issuing any notice. The petitioner represented the authorities for grant of HRA on the ground that other organizations like Markfed, are giving HRA to their employees in spite of the employee's spouse is working with any other Government organization and has been provided with the official accommodation. The petitioner continuously agitated his claim towards HRA and the respondent-Corporation sought details from Markfed. On 13.09.2006, the Markfed replied that the employees of the Markfed are individually and separately entitled to the HRA even if the spouse is also allotted Government accommodation. On 18.08.2006, the petitioner made a representation. The Board of Directors of the respondent-Corporation on 06.05.2010 (Annexure P -13) passed a resolution and allowed the claim of the petitioner towards HRA. On the basis of the same, the petitioner is seeking the arrears towards the HRA with effect from 06.09.1996.

3. Learned counsel for the respondent-Corporation submits that the present petition is liable to be dismissed on the ground of delay and laches. The petitioner's HRA was stopped on 06.09.1996 and petitioner only in the year 2006, raised a grievance regarding the same. His request was considered and rejected twice but petitioner has never approached this Court and only after a resolution was passed on 06.05.2010, the petitioner is now re-agitated the claim in the year 2016.

4. Having heard learned counsel for the parties and after perusal of the record of the case with their able assistance, it transpires that the petitioner



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was being paid HRA till 06.09.1996 and it was stopped on the ground that his wife is employed and getting HRA from the State Bank of India.

5. In view of the considered opinion of this Court, both the husband and wife while posted in the same city can claim one HRA as both are living together in one house. An exception can be created in case husband and wife are posted in different places and both are residing separately.

6. A Two Judge Bench of the Hon'ble Supreme Court in ***Director, Central Plantation Crops Research Institute v. Purushotaman*** 1994 AIR ***Supreme Court 2541*** made the following observations,

“The HRA would be covered by the definition of Compensatory Allowance. It is compensation in lieu of accommodations. This definition itself further makes it clear that compensatory allowance is not to be used as a source of profit. It is given only to compensate for the amenities which are not available or provided to the employee. The moment, therefore, the amenities are provided or offered, the employee should cease to be in receipt of the compensation which is given for want of it. We wish the Tribunal had perused the definition of "pay" and "compensatory allowance" given in the Fundamental Rules before pronouncing that the HRA is a part of the wages or pay and, therefore, cannot be disturbed.”

7. A Two Judge bench of the Hon'ble Supreme Court in ***R.K Munshi v Union Territory of Jammu and Kashmir*** 2024 INSC 365 while speaking through Justice Sandeep Mehta observed,

“....a Government employee could not have claimed HRA while sharing rent free accommodation allotted to his father, a retired Government servant.....”

8. This Court in ***Shrimati Krishna Kumari v. State of Punjab***



1994(4) SCT 22 made the following observations in this regard,

“Government's intention in not granting house rent allowance where one of the spouses is allotted Government accommodation is that when a govt. employee is allotted accommodation he is expected to live in that accommodation with his family. He/She is not expected to live in a separate house.

It is, therefore, pointed out that house rent allowance should not be allowed to a Government employee in case his wife/her husband has been allotted Government accommodation at the same station by the State Government, Central Government, autonomous "public undertaking or semi-government organisation, whether he/she resides in that accommodation or he/she resides separately in accommodation rented by him/her.”

9. It is incumbent upon the state, in its role as an employer, to furnish its employees with essential amenities necessary for their work. The Hon’ble Supreme Court's ruling in the ***Purushotamam case (supra)*** underscores this by clarifying that House Rent Allowance (HRA)/Compensation is to be granted when accommodation/amenities is "not available or provided," affirming that HRA is not intended as a means for profit. Rather, HRA functions as compensatory payment in place of official housing. Consequently, if an employee neither requires such an accommodation nor lacks it, the basis for providing this compensation may not exist.

10. While both spouses in government service are individually entitled to apply for separate housing, practical circumstances often lead them to share one residence, particularly when they are posted in the same city and their workplaces are not prohibitively distant. This creates an anomaly: if the shared residence is rented, it would suffice if only one spouse pays. The provision of HRA to two individuals inherently implies that two separate accommodations



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are being rented from two different landlords. When this is not the case, the fundamental purpose of granting HRA to both individual is rendered unnecessary. Resultantly, one spouse's HRA would cover the actual rent, while the other's allowance would effectively be retained as personal profit, an outcome that contravenes the principle established by the Hon'ble Supreme Court. The HRA is not a right but an allowance, paid to an employee to compensate for the cost of renting on accommodation in order to effectively discharge his duties and not as an additional income.

11. Further, the petitioner has not been able to explain the delay in approaching this Court. Admittedly, his HRA was stopped on 06.05.1996 and for the first time, he made a representation on 18.08.2006 (Annexure P-4).

12. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented him/her from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in ***Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225***, wherein, the following was held:

“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their



*discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. **Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists.** On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In ***SS Balu v. State of Kerala***, this Court observed thus:*

*“17. **It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.**”” (emphasis added)*

13. In ***Union of India and others v. M. K. Sarkar, (2010) 2 SCC 59***, the Hon’ble Supreme Court has ruled that when a belated representation in regard to a ‘stale’ or ‘dead’ issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the ‘dead’ issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a Court’s direction. Neither a court’s direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

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14. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

11.02.2026*Neha*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No