
(2012) 09 DEL CK 0404
In the Delhi High Court
Case No : Writ Petition (C) 5866 of 2012

Dominic Joseph

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 18-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0404

Hon'ble Judges : Pradeep Nandrajog, J; Manmohan Singh, J

Bench : Division Bench

Advocate : Chava Badri Nath Babu, with Ms. Kavitha, Mr. C.M. Angodi, for the Appellant; B.V. Niren, CGSC for UOI, for the Respondent

Final Decision : Disposed Off

Judgement

Pradeep Nandrajog, J.—The issue raised in the instant writ petition pertaining to House Rent Allowance (HRA), City Compensatory Allowance (CCA) and Transport Allowance (TA) stands adjudicated in various writ petitions and the latest being the decision dated August 23, 2012 in WP(C) No. 5132/2012. Various Central Para Military Forces attach their Force personnel either in the Ministry of Home Affairs or in the offices of their Inspector General or Director General, but refuse to pay HRA, CCA and Transport Allowance in terms of a policy circular dated October 03, 2008, which refers to an Office Order dated June 06, 2008 which prohibits attachment of a Force personnel to an attached office beyond 90 days.

2. this Court has repeatedly held that if Office Order dated June 06, 2008 prohibits attachment of a Force personnel beyond 90 days, the Central Para Military Force has no business to attach a Force personnel for more than 90 days. The reason is that if an Office Order contemplates attachment for maximum 90 days and another Office Order permits HRA, CCA and Transport Allowance to be paid during attachment, it is for the Force to ensure that no attachment continues beyond 90 days.

3. As regards the Force personnel, since he has no option in a matter of transfer/

posting, what can be do if he is attached as afore-noted beyond 90 days.

4. In the city of Delhi it is not easy to find a rented accommodation and if one is found, the rent is fairly steep. Why should this Force personnel not be compensated with HRA and CCA during his attachment period more so when no Government house is made available to him. As regards Transport Allowance, we all know the transport charges even in public transports in Delhi.

5. We dispose of the writ petition directing respondents to release HRA, CCA and Transport Allowance to the petitioner for the duration the petitioner remained on attachment with the Ministry of Home Affairs, and for which direction we may highlight that when the petitioner was attached to the Ministry of Home Affairs he had surrendered the Government accommodation allotted to him and the family had to rent an accommodation by paying market rent. No pool accommodation was given to the petitioner. For such period the House Rent Allowance, CCA and Transport Allowance was paid, there need not be a duplicate payment. Needless to state City Compensatory Allowance should also be paid to the petitioner.

6. Compliance be made within 12 weeks. No costs.