

(1998) 10 DEL CK 0071
In the Delhi High Court
Case No : C.W. No. 2968 of 1995

HC Surender Singh

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 09-10-1998

Acts Referred:

Citation : (1998) 75 DLT 783 : (1999) 48 DRJ 159

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Pinki Anand, for the Appellant; V.O.S. Nambiar, for Respondents 1 and 4 and Richa Kapur, for respondents 2 and 3, for the Respondent

Judgement

K. Rumamoorthy, J.—The petitioners, eight in numbers, who are working as Constables, Head Constables and Sub-Inspector, have prayed for payment of, what is called, the ration money. In the writ petition, the petitioners have given details about the service conditions of the police personnel working in the neighbouring States and the police personnel working in Delhi. In the counter-affidavit filed by the first respondent the Union of India, it is stated in paragraph 11:-

"The Delhi Police personnel are city based Government servants with no liability to serve in remote localities. Moreover, the scales of pay applicable to Delhi Police personnel is already higher as compared to CPOs personnel. The availability of food as well as its cost in Delhi is much better in comparison with the position in various remote parts of the country. As such it would be unfair to strike a comparison between the Delhi Police and other CPOs. The position in regard to State Police forces are also no different. They have also to serve throughout the length and breadth of the geographical area of the State which is much larger than that of the U.T. of Delhi. However, considering the demands being made by the Delhi Police for quite a long time, the matter has been referred to Vth Pay Commission for their consideration."

2. The petitioners have filed the rejoinder-affidavit. The petitioners have again reiterated the working conditions of the police personnel of Delhi and the heavy duties performed by the police personnel in Delhi.

3. On the 9th of June, 1998, the Government of India had written a letter to the Government of NCT of Delhi, wherein it is stated:

"I am directed to refer to Delhi Administration's (now Government of NCT of Delhi) letter number F.6/6/87-Home(P)/Estt. dated 21.3.1990 on the subject cited above and to convey the sanction of the President to the grant of Ration Money Allowance at the rate of Rs.570/- (Rs.Five hundred and seventy only) per month to all the non-gazetted police personnel of Delhi Police w.e.f. 1.4.1998.

2. The rate of Ration Money Allowance will be revised from time to time in accordance with the same formula as is currently applicable to the non-gazetted personnel of the Central Para Military Forces.

3. The Expenditure involved will be met out of the budget of Delhi Police.

4. This issues with the approval of the Cabinet conveyed vide Cabinet Sectt. I.D.No.19/CM/98(i) dated 1.6.1998 and IFD vide I.D.No.984/98-AFA(P) dated 9.6.1998."

4. The petitioners claim ration money from 1.1.1986.

5. Though it is stated that the matter had been referred to the Vth Pay Commission, nothing had been mentioned by the respondents as to what was the decision by the Vth Pay Commission, but the communication, as mentioned above, alone had been sent. The petitioners and police personnel similarly situated cannot be denied the ration money from the 1st of January, 1986. The ration money is an important component of the remuneration paid to the police personnel for the services rendered by them. Having regard to the conditions in which the police men of all ranks work for the maintenance of law and order, the claim of ration money is quite reasonable.

6. In 1995 when the writ petition was instituted, the petitioners had given the details about ration money paid to police personnel under Central Police Organisations and the details are as under:-

"DETAILS OF MANY STATE POLICE PERSONNEL,

CENTRAL POLICE ORGANISATIONS

GETTING RATION MONEY

CHANDIGARH Rs. 150/- WEST BENGAL Rs.350/- PUNJAB Rs.150/- HARYANA . Rs.200/- MIZORAM Rs.190/- U.P. Rs.250/ MANIPUR FULL RATION IN KIND MEGHALAYA FULL RATION IN KIND TAMILNADU FULL RATION IN KIND SIKKIM FULL RATION IN KIND

RAJASTHAN Rs.150/- CISF Rs.310/- BSF Rs.310/- CRPF Rs.310/- ITBP Rs.310/-

7. The petitioners had stated that prior to 1986 the Police Commissioner had sent a proposal to Delhi Administration, and Ministry of Home Affairs for the grant of ration money @ Rs.167/- per month for the Delhi Police personnel. That would give an idea about the quantum to be determined from 1986 till March, 1998. Therefore, between January, 1986 to December, 1990 the amount of ration money could be fixed at Rs.175/- per month and from January, 1991 to December, 1995 at Rs.200/- per month. From the 1st of January, 1996 to the 31st of March, 1998, it could be fixed at Rs.250/- per month. Accordingly, I fix the aforesaid rates for ration money for the aforesaid periods.

8. The respondents shall make arrangements to pay ration money at the aforesaid rates for the above mentioned periods not only to the petitioners but also to all Delhi Police personnel who would be eligible to get ration money. The respondents are directed to deposit the money payable to the petitioners and other Delhi Police personnel in their respective GPF accounts. The respondents shall do so on or before the 31st of January, 1999.

9. The writ petition stands disposed of.

10. There shall be no order as to costs.