

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

D.B. Civil Writ Petition No. 20183 / 2013

1. Yogesh Kumar Sharma son of Shri Yuvdutt Sharma, aged about 42 years, resident of 531, Krishna Nagar, Bharatpur, Rajasthan.
2. Rameshwar Tiwari son of Shri Badri Prasad Tiwari, resident of 263 A, in front of Telephone Exchange, Ward No.1 (1), City and District Bharatpur, Rajasthan.
3. Shri Navneet Kaushi son of Shri Radhacharan Kaushik, resident of Gandhi Nagar, Sewar Road, Bharatpur, Rajasthan.
4. Satish Arora son of Shri Ramanand, resident of 22, Jawahar Nagar, Ward No.5, Tehsil and District Bharatpur, Rajasthan.
5. Shri Anil Lohiya son of Shri Purshottam Das Lohiya, resident of 5/21, Jawahar Nagar, Ward No.5, Tehsil Bharatpur, District, Bharatpur, Rajasthan.
6. Kapil Fauzdar son of Shri Harendra Singh Fauzdar, resident of 119, Atalawadh Marg, Ward No.12, Atalawadh, Ward No.12, Tehsil and District Bharatpur, Rajasthan.

-----Petitioners

Versus

1. The State of Rajasthan through its Chief Secretary, Government of Rajasthan, Government Secretariat, Jaipur.
2. The Secretary Finance (Group-2), Finance Department, Government of Rajasthan, Government Secretariat, Jaipur.
3. The Principal Secretary Finance(Budget), Finance Department, Government of Rajasthan, Government Secretariat, Jaipur.

-----Respondents

For Petitioner(s) : Mr. Saransh Saini & Ms. Suman.

For Respondent(s) : Mr. RN Mathur, Sr. Counsel assisted by
Mr. Shovit Jhajharia & Mr. Deepesh Sharma.
Mr. Madhu Siromani on behalf of
Mr. Rajendra Prasad, AAG.

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

30/05/2017

In D.B.Civil Misc. Application No.30442/2017 :

The application for impleadment is allowed. Amended cause title is taken on record.

In D.B.Civil Writ Petition No.20183/2013

(1) The writ petition filed in public interest questions the grant of HRA to both husband and wife if in service and none of them has availed government accommodation.

(2) In our opinion such petitions do not espouse any public cause. It is a matter of executive policy as to how house rent allowance has to be paid. If husband and wife are in government service and neither has opted for government accommodation, we see no absurdity, irrationality or irregularity in a rule which permits entitlement of both spouses to receive house rent allowance, notwithstanding the two residing together.

(3) The petition is dismissed.

(4) No costs.

(SANJEEV PRAKASH SHARMA)J. (PRADEEP NANDRAJOG),C.J.

N.Gandhi/25

सत्यमेव जयते