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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC011041422024**

\+ W.P.(C) 1213/2025 & CM APPL. 5932/2025

UNION OF INDIA AND ORS .....Petitioners
Through: Ms. Nidhi Raman, CGSC with Mr. Akash Mishra and Mr. Arnav Mittal, Advs.

versus

SANDEEP KUMAR .....Respondent
Through: Ms. Muskan Jain, Adv.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **03.09.2026**

C. HARI SHANKAR, J.

1. The respondent was transferred on deputation, by order dated 15/16 December 2017, from the post of Accountant, RMS, SH Division, Saharanpur to the post of Office Assistant, Postal Training Center, Saharanpur.

2. The issue in controversy is only the rate of deputation allowance to which the respondent would be entitled.

3. The respondent approached the Central Administrative Tribunal[1] in that regard. The Tribunal by judgment dated 20 May

[1] "the Tribunal", hereinafter

2024 in OA 2969/2021 has granted deputation allowance to the respondent @ 10% on the basis of an "office order dated 19 February 2021". Aggrieved thereby, the Department of Posts has approached this Court by means of the present writ petition.

4. We have heard Ms. Nidhi Raman, learned CGSC for the petitioner, and Ms. Muskan Jain, for the respondent.

5. Ms. Raman submits that the Tribunal has erred in relying on what it called an office order of 19 February 2021 whereas the communication of 19 February 2021 was merely an internal office noting which was put up for approval but which was never approved and never implemented.

6. There may be some substance in this contention. However, Ms. Muskan Jain, learned Counsel for the respondent has drawn our attention to Office Memorandum[2] dated 24 November 2017 issued by the Department of Personnel and Training[3], which deals with grant of deputation allowance, following the recommendations of the Seventh Central Pay Commission. Notes 5 and 6 towards the end of the said OM read thus:

> "**Note 5** The term 'same station' for the purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.
>
> **Note 6** *Where there is no change in the headquarters with reference to the last post held, the transfer should be treated as within the same station and when there is change in headquarters it would be treated as not in the same station.* So far as places falling within the same urban agglomeration of the old

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[2] "OM" hereinafter

[3] "DOPT" hereinafter

headquarters are concerned, they would be treated as transfer within the same station."

(Emphasis supplied)

7. Ms. Jain submits that, as there was a change in the Headquarter of the respondent on deputation, the deputation had to be treated as from one station to another. The rate of deputation allowance in such cases would be 10% and not 5%.

8. Ms. Nidhi Raman does not dispute the fact that in case of inter-station deputation, the rate of deputation allowance would be 10%. She also acknowledges the fact that there was a change in Headquarters. However, she submits that this case cannot be treated as a case of inter-station deputation. She places reliance on the second part of Note 6 which states that places falling within the same urban agglomeration of the old headquarters would be treated as within the same station.

9. Ms. Raman submits that, in applying the second part of Note 6 to the respondent, the petitioner has relied on the HRA Rules applicable to the Government Servants, specifically Rule 3(b)(iii), which reads thus:

> "3(b)(iii) Staff working in aerodromes, meteorological observatories, wireless stations and other Central Government establishments within a distance of 8 km from the periphery of the municipal limits of a qualified city will be allowed House Rent Allowance at the rates admissible in that city even though they may not be residing within those municipal limits, provided that-"

10. We are unable to agree with the reasoning proposed by Ms. Raman. Rule 3(b)(iii) does not define 'urban agglomeration'. We have not been shown any definition of "urban agglomeration" which would throw any light on how to interpret the second part of Note 6 in the DOPT OM dated 24 November 2017.

11. No justification for applying the rules applicable for grant of HRA, to the applicable rate of deputation allowance, is forthcoming.

12. In that view of the matter, the respondent would be entitled to the benefit of first part of Note 6, which treats a deputation from a posting under one headquarters to a posting under another headquarters to be an inter-station deputation.

13. Inasmuch as the headquarter of the respondent changed on deputation, the petitioner would be entitled to be treated as having been sent on deputation from one station to the other and would, therefore, be entitled to deputation allowance @10% as held by the Tribunal.

14. Accordingly, for reasons which we have set out hereinabove, but not approving the reasons given by the Tribunal, we agree with the ultimate conclusion of the Tribunal that the respondent would be entitled to deputation allowance @ 10%.

15. We therefore dismiss this writ petition, with no orders as to costs.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 3, 2026/*cd*