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W.P.A. 2442 OF 2021

(Through Video Conference)

Smt. Sharmistha Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Saktipada Jana

... For the Petitioner

Ms. Chaitali Bhattacharya

Mr. Kartik Ch. Kapas.

... For the State.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by lesser payment of House Rent Allowance (hereinafter referred to as 'the H.R.A.') to the petitioner.

2. The contention of the petitioner is that she is living separately from her husband at a distance of over 150 kilometres and accordingly, is entitled to H.R.A. of Rs.6000/- as per the Memorandum No. 955-SE(Law)/SL/5S-1221/09 dated July 27, 2011.

3. Ms. Chaitali Bhattacharya, leaned counsel appearing on behalf of the State has fairly submitted that the Additional District Inspector of Schools (S.E.), Ranaghat, being the respondent no. 4, to consider the

representation of the petitioner dated July 15, 2020 (Annexure P-10, page 36 of the writ petition).

4. In light of the above submissions, I direct the petitioner to file a detailed representation to the Additional District Inspector of Schools (S.E.), Ranaghat and upon such representation being received within a period of ten days from date, the Additional District Inspector of Schools (S.E.), Ranaghat is directed to grant an opportunity of hearing to the petitioner and thereafter, pass a reasoned within a period of four weeks from the date. The reasoned order should be communicated to the petitioner within a week of passing of the same.

5. Needless to mention, in the event there is any arrear H.R.A. to be paid to the petitioner, the Additional District Inspector of Schools (S.E.), Ranaghat shall pass a reasoned order on the same too.

6. Furthermore, upon passing of the reasoned order, consequential benefits should follow within a period of two weeks from the date of passing of the reasoned order.

7. With the above direction, the writ petition is disposed of. There will be no order as to costs.

8. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

9. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)