

Item No.15

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

14.09.2021
Ct-24

WPA 12906 of 2021
Dr. Dipanwita Mukherjee

v.

The State of West Bengal & Ors.

Mr. Ayan Banerjee
Mr. Soumo Chaudhury
... for the petitioner.

Mr. Kallol Basu
Mr. Suman Banerjee
... for the College.

Mr. Swapan Kumar Datta
Mr. Pradyot Kumar Das
.. for the State.

The petitioner claims relief in terms of the memo annexed at page 16 of the writ petition dated March 23, 2006.

According to the petitioner she is entitled to receive House Rent Allowance (in short HRA) as she is staying separately from his husband who is a judicial officer and has been allotted a quarter by the State Government.

The petitioner relies upon orders passed by this Court in WP No. 6811(W) of 2018 (Dr. Paramita Banerjee v. The State of West Bengal & Ors.) in compliance of

which the respondent authority made payment of HRA to the petitioner allegedly under similar circumstances.

The petitioner made several representations to the respondent authorities starting from November 23, 2012 and thereafter.

The grievance of the petitioner is that none of the representations have been considered by the respondent authorities till date.

As it appears that the prayer of the petitioner is pending consideration at the end of the respondent authority, accordingly the instant writ petition is disposed of by directing the respondent no. 4 being the Deputy Secretary, Department of Higher Education to take a decision with regard to the prayer made by the petitioner for grant of HRA in her favour in accordance with the relevant memo/circular/guideline at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

In the event, the said respondent is of the opinion that the petitioner will be entitled to receive HRA, then the necessary steps shall be taken for disbursal of the same in her favour.

The petitioner is directed to forward a copy of the memo relied upon by her and the copy of the representations made by her before the respondent authority at the time of communicating the order of the Court.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)