

18 20.4.2021

Sc

W.P.A. 7097 OF 2020

with

CAN 1 of 2020

(Through Video Conference)

Diyali Chattopadhyay

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari

Ms. Tanuja Basak.

.... For the Petitioner

Mr. Sirsanya Bandyopadhyay

.... For the State

Mr. Arka Kumar Nag

.... For the Respondents

On consent of the parties, the matter has been taken up for consideration. Accordingly, the application being CAN 1 of 2020, pleading urgency, is disposed of.

This matter relates to drawing of 'house rent allowance' (HRA) under ROPA, 2009.

By an order and judgment delivered on March 16, 2021 in **WPA 1389 of 2018 (Mousumi Biswas & Ors. vs. State of West Bengal & Ors.)**, I have held that payment of house rent allowance cannot be disallowed to the petitioner (who is a teacher) on the ground that her spouse is also drawing house rent allowance in a private organisation.

In light of the said finding, various Audit Memos and Finance Department Memos have been struck down.

This writ petition is also disposed on the same basis and the judgment delivered on March 16, 2021 shall apply to this writ petition.

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

There will be no order as to costs.

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.)