

06.06.2022
rc/ct.no.02
Item No.22

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

**WPA No. 442 of 2022
Smt. Sanchita Barman
Vs.
The State of West Bengal & Ors.**

Mr. Sandip Mondal
Mr. Abhilash Mittal ...for the Petitioner

Mr. Subir Kumar Saha
Mr. Momenur Rahman ...for the State

Affidavit of service filed in Court today is taken on record.

None appears on behalf of the 5th respondent despite service.

The petitioner is an assistant professor in Physics at Siliguri College and the 5th respondent, the husband of the petitioner is employed at Malda Polytechnic College, English Bazar, Malda.

The petitioner contends that the house rent allowance to the tune of Rs.9,588/- (12% of UGC Basic Pay of Rs. 79,900/-) is being deducted by the authority from her salary per month. Referring to the revised rates of house rent allowance prescribed by the West Bengal 6th Pay Commission HRA, it is submitted on behalf of the petitioner that the ceiling of house rent allowance drawn by the husband-wife together shall be Rs.12,000/- per month. Learned counsel for the

petitioner further submits that quantum of house rent allowance deducted from the salary of the 5th respondent ought to be ascertained and house rent allowance ought to be deducted from the salary of the petitioner in terms of the existing rules so that the petitioner does not face burden of overdrawal upon superannuation. He also submits that the petitioner filed a representation in this regard before the Principal Secretary, Department of Technical Education, Training and Skill Development, Government of West Bengal, being the 2nd respondent herein, on October 25, 2021 which is yet to be disposed of. The petitioner prays for a direction upon the concerned authority to consider the representation at the earliest.

It is submitted on behalf of the State-respondents that the concerned authority be directed to consider the representation of the petitioner within a stipulated timeframe.

Having considered the submissions made by the learned counsels appearing on behalf of the parties and the material on record, the writ petition is disposed of directing the 2nd respondent to consider and dispose of the representation filed by the petitioner on October 25, 2021 within a period of four weeks from the date of communication of this order, after giving reasonable opportunity of hearing to all the interested parties

including the petitioner and the 5th respondent, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner and others within a week thereof.

With the above observations and directions this writ petition being WPA No. 442 of 2022 is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)