

6.11.2024
ct.25, sl. 8
sk

WPA 10740 of 2021

Lakshmishree Das
vs
The State of West Bengal & Ors.

Ms. Debjani Sengupta
Ms. Koyel Bag
Mr. Abhijit Chatterjee
Mr. S. Haque
...for the petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
...for the State respondent.

The grievance of the petitioner in this case is that the respondent authorities have acted illegally and irrationally, by not allowing her to draw House Rent Allowance, in terms of ROPA 2009.

The fact remains to be discussed in this case is that the petitioner is an Assistant Teacher of the respondent School and is entitled to draw HRA in terms of ROPA 2009. The husband of the petitioner having been employed in private sector is also in receipt of HRA. The respondent authorities would, therefore, apply the ceiling limit and stop payment of HRA, to the petitioner.

According to the petitioner the law settled so far in this regard is otherwise that the husband of the petitioner being an employee not covered under the Government Rules and policies, his house rent cannot be taken into account by the respondent authorities in considering the ceiling limit of HRA, to be granted to the writ petitioner in terms of the existing rules.

Ms. Sengupta, learned advocate appearing for the petitioner submits, on the basis of the several orders of

the various Benches of this Court and judgment thereof, that the Courts have decided to grant HRA up to the optimum ceiling limit to the petitioner in various cases of similar nature. She has particularly relied on the very recent decision of this Court dated 13th September, 2024 in WPA 21528 of 2024, to say that by dint of the same, the Court has directed the concerned respondent authority to release HRA both current and arrear, in favour of the petitioner, with interest on the arrears..

Mr. Arindam Chattopadhyay, learned advocate appearing for the State has informed the Court regarding pendency of an appeal as against the orders as referred to on behalf of the petitioner.

It is also indicated that in the appeal, the Court has been pleased to direct release of HRA amount to the petitioner respectively, subject to final result of the appeal.

It is pertinent to note that in the order of this Court as mentioned above, the said aspect has been taken into consideration and the Court proceeded in terms of the direction passed by the Hon'ble Appeal Court, as mentioned above.

Considering all as above, this Court finds no impediment in disposing of the present writ petition by directing the respondent nos. 5 to 10 to allow and release the house rent allowance to the writ petitioner immediately. So far as arrear thereof, as stands outstanding, is concerned, the same shall be paid as

early as possible, but positively within a period of four weeks from the date of communication of copy of this order. The respondents shall also pay interest @ 6% per annum upon the arrear amount of house rent allowance payable to the petitioner.

Needless to say that since an appeal is currently pending involving a similar issue, such release of HRA amount to the petitioner would be subject to the final decision of the Hon'ble Appeal Court in the said appeal.

Since no affidavit-in-opposition has been called for in this case, all allegations made in this writ petition are deemed to have been denied by the concerned respondents.

The writ petition is disposed of.

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

(Rai Chattopadhyay, J.)