

DL-Item .No. 16
SD
Ct. 18
15.05.2024

W.P.A. 13261 of 2024
Madhura Kar
Vs.
The State of West Bengal & Ors.

Mr. Avijit Chakroborty
... For the petitioner.

Mr. Mrinal Kanti Ghosh,
Ms. Somnath Mukhopadhyay.
... For the State

Affidavit-of-service filed by the learned advocate for the petitioner be kept with the record.

The petitioner is an Assistant Teacher at Shibpur Srimat Swami Projnnanananda Sarawati Vidyalaya, District- Howrah. The husband of the petitioner is an employee of a private organization.

The District Inspector of Schools(S.E.), District-Howrah, the respondent no.4 herein, on the basis of the Memorandum of the Finance Department (Audit Branch), Government of West Bengal bearing No. 5839-F(P) dated July 09, 2012 and the Corrigendum Memorandum thereto bearing No. 8012-F(P2)/FA/O/2m/206/17(N.B.) dated December 27, 2018 has stopped the House Rent Allowances (H.R.A) of the petitioner since May, 2018, however during this period, she received HRA for the period from December, 2019 to June, 2020.

A Coordinate Bench of this Court by the judgment dated March 16, 2021 passed in W.P.A. 1389 of 2018 (*Mousumi Biswas & Ors. vs. State of West Bengal & ors.*) has quashed the aforementioned memoranda.

An appeal being **MAT 1023 of 2021** (*The State of West Bengal & Ors. vs. Mita Majumder & Ors.*) against the said judgment and order of the said Co-ordinate bench though is pending, but no order of stay has been passed in the said appeal.

In view of such position of the subject, the petitioner is entitled to full HRA, the concerned authority therefore, is directed to release the same, the arrear thereof be paid to the petitioner with interest @ 6% per annum from the date on which it became payable till the date of actual payment. The arrear H.R.A. is to be paid within a period of four weeks from the date of communication of this order.

It is however, made clear that the HRA to be paid to the petitioner in terms of this order is subject to the result of the aforementioned pending appeal.

W.P.A. 13261 of 2024 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)