

DL-Item no. 12
AJ
Ct. 18
14.05.2024

W.P.A. 13477 of 2024

Pinaki Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Kanak Kiran Bandopadhyay
... For the petitioner.

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... For the State

Affidavit-of-service filed on behalf of the petitioner
be kept with the record.

The petitioner is an Assistant Teacher at Chak
Kendua Vidyasagar Vidyayatan High School, District-
24 Parganas(South). The wife of the petitioner is an
employee of a private organization.

The District Inspector of Schools (SE), District -24
Parganas(South), the respondent no. 5 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 denied full payment of the House Rent
allowances (H.R.A.) to the petitioner on and from July,
2014.

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 order and judgment 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. 13477 of 2024 is disposed 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.)