

Item .No.21
sandip
Ct. 18
16.05.2024

W.P.A. 13782 of 2024

Tula Sabui Nasker
Vs.
The State of West Bengal & Ors.

Ms. Debjani Sengupta,
Ms. Koyel Bag,
Mr. Abhijit Chatterjee ... For the petitioner.

Mr. Arindam Chattopadhyay,
Mr. Soumik Dey ... For the State.

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

In spite of service none appears on behalf of the State respondents.

This Court under such circumstances engages Mr. Arindam
Chattopadhyay and Mr. Soumik Dey, learned advocates in the state roll
to represent the State respondents in this matter, their engagements be
regularized. The petitioner is directed to serve copy of the writ petition
upon them.

The petitioner is an Assistant Teacher at Shambazar A. V. School
(H.S.), Kolkata. The husband of the petitioner is an employee of a
private organization.

The District Inspector of Schools (SE), District - Kolkata, 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 stopped the House Rent Allowance (H.R.A.) of the
petitioner on and from February, 2015, moreover, she was compelled to
refund the H.R.A. received by her for the period from April 2014 to
January 2015.

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 and the H.R.A. recovered for the period from April 2014 to January 2015 be also refunded to her with the same rate of interest thereon from the date of recovery till the refund. 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 payment of HRA in terms of this order is subject to the result of the aforementioned pending appeal.

W.P.A. 13782 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.)