

Item .No. 15
sandip
Ct. 18
17.05.2024

W.P.A. 13775 of 2024
Piyasi Mondal
Vs.
The State of West Bengal & Ors.

Mr. Abhinaba Dan,
Mr. Nitish Samanta ... For the petitioner.

Mr. Bhaskar Prasad Vaisya, AGP ... For the State.

The petitioner is an Assistant Teacher at Barjora Girls High School, District - Bankura.

The husband of the petitioner, being an employee of a private company since was receiving House Rent Allowance(HRA) as a separate element, the District Inspector of Schools (SE), District - Bankura, the respondent no. 3 herein, in terms 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, had asked the petitioner to refund the HRA received by her for the period from November 23, 2010 to May 31, 2019.

The petitioner, complying with the said requisition, on September 06, 2019, had deposited **Rs. 1,47,817/-** (One lakh forty seven thousand eight hundred and seventeen rupees only) under T.R. Form-7 with the relevant Government Treasury.

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.

The petitioner, in view of the said judgment, is praying refund of the aforementioned amount of HRA in her favour with interest.

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 respondent no. 3 is directed to release the said amount of **Rs. 1,47,817/-** to the petitioner with interest @ 6% per annum from the date on which it was deposited till the date of refund within a period of eight weeks from the date of communication of this order.

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

W.P.A. 13775 of 2024 is disposed with the above terms without any order as to costs.

Since no affidavit-in-opposition 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.)