

S/L 14
21.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 14001 of 2024

Ananya Maity
Vs.
The State of West Bengal & Ors.

Ms. Debjani Sengupta
Ms. Koyel Bag
Ms. Shahina Haque
Mr. Abhijit Chatterjee

...for the Petitioner.

Mr. Dipanjan Datta
Mr. Naranarayan Ganguly

...for the State.

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

The petitioner is an Assistant Teacher at Shibpur Sri
Ramkrishna Vidyalaya, District- Howrah.

The husband of the petitioner, being an employee of a
private company since is receiving House Rent Allowance (HRA)
as a separate element, the District Inspector of Schools(S.E.),
Howrah, the respondent no.5 herein, relying on 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 payment of HRA to the petitioner on and from
October, 2015, however, in between, HRA was paid to her for the
periods from July, 2016 to December, 2018 and from July, 2020 to
July, 2022.

The petitioner is praying disbursement of full HRA and
arrears thereof with interest.

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 payment 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. 14001 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.)