

S/L 16
21.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 14007 of 2024

Soma Ghosh
Vs.
The State of West Bengal & Ors.

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

...for the Petitioner.

Mr. Arindam Chattopadhyay
Mrs. Lipika Chatterjee

...for the State.

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

The petitioner was initially appointed as an Assistant
Teacher at Majilpur J.M. Training School, District-24
Parganas(South), thereafter, on transfer, she has joined in
Modernland Girl's High School, District-24 Parganas(South).

The husband of the petitioner, being an employee of a
private company since is receiving House Rent Allowance (HRA)
as a separate element, the authorities of the erstwhile school of the
petitioner, the respondent nos.9 and 10 herein respectively, 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 had
stopped the payment of HRA to the petitioner on and from
December, 2013 and such suspension of HRA is still continuing.

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 eight 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. 14007 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.)