

22.05.2024
(D/L 17)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 14083 of 2024

Tanumita Basak

Vs.

The State of West Bengal & Ors.

Mr. Swapan Kumar Pal,
Ms. Sukla Das Chandra,

... For the Petitioner.

Ms. Ipsita Banerjee,
Ms. Mousumi Biswas,

... For the State.

Affidavit-of-service filed on behalf of the petitioner and a copy of the instruction to the learned State advocate dated May 21, 2024 of the District Inspector of Schools (S.E), 24-Parganas (South), the respondent no. 4 herein filed on behalf of the State are taken on record.

The petitioner is an approved Assistant Teacher at Baruipur High School, she is alleging that her House Rent Allowance (HRA) has been stopped since October 2013. The petitioner is praying payment of regular HRA and release of arrears thereof with interest.

It appears from the aforesaid instruction that the husband of the petitioner since is an employee of a private company and is receiving HRA as a separate element, the respondent no. 4, 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 HRA of the petitioner.

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 though is pending, but no order of stay has been passed in the said appeal.

In view of the aforesaid position, the petitioner is entitled to the payment of regular HRA and arrears thereof, if any.

The concerned authority therefore, is directed to pay to the petitioner the regular HRA and arrears thereof, if any, be paid to her with interest @ 6% per annum from the date on which it was payable till the date of payment.

The arrears HRA is to be paid within a period of four weeks from the date of communication of this order.

It is made clear that HRA to be paid to the petitioner in terms of this order is subject to the result of the aforementioned pending appeal.

Since no affidavit-in-opposition has been invited, the allegations made in the writ petition are deemed to have denied by the respondents.

W.P.A. 10483 of 2024 is disposed with the above terms without any order as to costs.

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.)