

04.09.2024.
Sl. No.24.
Ct. No.14.
AGM

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 18743 of 2024

Gargi Rudra
Vs
The State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Sabab Uddin Laskar,
Mr. Sourav Roy,
.....for the petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder.
.....for the DPSC, Hooghly

Mr. B. P. Vaisya,
Mr. Ranjan Saha.
.....for the State.

Report filed by the Additional Secretary, School
Education Department signed on 2nd September, 2024
is taken on record.

The issue in the instant case is whether the
petitioner being an Assistant Teacher of a primary
school would be entitled to receive House Rent
Allowance even though her husband is receiving
House Rent Allowance from his employer in the private
sector.

It appears that the issue has been decided by a Coordinate Bench of this Court by judgment dated 16th March, 2021 in several writ petitions first of which is **WPA 1289 of 2018 (*Mousumi Biswas & Anr. –vs State of West Bengal & Ors*)**. The Court held that the impugned memo which curtails grant of HRA to the employees whose spouses work in private sector is liable to be struck down. The State respondents were directed to ensure payment of HRA in terms of ROPA 2009.

The report of the Additional Secretary, School Education Department mentions that an appeal being **MAT 1023 of 2021 with CAN 1 of 2022** over the selfsame issue is pending consideration before the Hon'ble Division Bench **(*The State of West Bengal – vs. Mita Majumdar & Ors*)**.

It appears that as on date there is no order staying the operation of the judgment where direction was passed for payment of House Rent Allowance to the employees whose working spouses enjoy HRA from their employer.

Accordingly, the instant writ petition is disposed of directing the respondent authorities to grant HRA to the petitioner subject to any order which may be passed by the Hon'ble Division Bench in the appeal mentioned hereinabove.

Steps shall be taken to disburse current HRA and all arrears of HRA at the earliest but positively within a period of twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)