

21.05.2024
Item No.04, DL
Court No.18
AJ.

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 19622 of 2022

**Shrabanti Panja
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Mitra.
... For the petitioner.

Mr. Santanu Kumar Mitra.
... For the State.

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

The petitioner is an approved Assistant Teacher at Sehera
Bazar C.K. Institution, District- Burdwan.

The husband of the petitioner, being an employee of a
private company since was receiving House Rent Allowance
(HRA) as a separate element, the school authorities, the
respondent nos. 6 and 7 herein respectively, on the basis 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 stopped the HRA of the petitioner for the period between
February, 2018 to December, 2019 and has ultimately stopped
payment of HRA to the petitioner from July, 2022.

The petitioner is praying disbursement of full HRA along
with 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. 19622 of 2022 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.)