

02.05.2024
(M/L 711)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 21643 of 2023

Sudipta Dey

-Vs-

The State of West Bengal & Ors.

Mr. Malay Bhattacharyya,

Mr. Subhrojyoti Ghosh,

.... For the Petitioner.

Ms. Jyotsna Roy Mukherjee,

Ms. Srijani Mukherjee,

.... For the State.

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

The petitioner is an Assistant Teacher at Agrani
High School for Girls, Kasba, Kolkata, her husband is
an employee of CESC, a private company.

The petitioner has been denied full House Rent
Allowance on and from July 2023 on the ground that
her husband is also receiving the HRA as separate
element. The said denial is in terms of the
Memorandum bearing No. 5839-F(P) dated July 09,
2012 and the corrigendum Memorandum bearing No.
8012-F(P2)/FA/O/2m/206/17(N.B.) dated December
27, 2018.

A Coordinate Bench of this Court, by its 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.)
directed against the said order and judgment of the

said Coordinate 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 House Rent Allowance. The authorities are therefore directed to release the same, the arrear thereof be paid to the petitioner with interest @ 6% per annum from the date on which it was payable till the date of payment.

It is however made clear that the House Rent Allowance to be paid to the petitioner in terms of this order are subject to the result of the pending appeal being **MAT 1023 of 2021 (*The State of West Bengal & Ors. vs. Mita Majumder & Ors.*)**

W.P.A. 21643 of 2023 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed not to have been admitted 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 copies of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)