

17.05.2024
(D/L 06)
Ct.-18
(Susanta)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

W.P.A. 23555 of 2022

Baishakhi Bhadra Mitra

-Vs-

The State of West Bengal & Ors.

Mr. Shibaji Kumar Das,
Mr. Dipendu Sarkar,
Ms. Sayani Pan, ...For the Petitioner.

Mr. Joydip Banerjee, ... For the State.

Affidavit-of-service filed on behalf of the petitioner be kept with the record. None appears on behalf of the State respondents in spite of service.

Under such circumstances, Mr. Joydip Banerjee, an advocate in the State roll is appointed to represent the State in this matter, his appointment be regularized. The petitioner is directed to serve copy of the writ petition upon Mr. Banerjee.

The petitioner is an Assistant Teacher at Anandamath Vidyapith (H.S), 24-Parganas (North). The husband of the petitioner is an employee of a private organization.

The District Inspector of Schools (SE), Barrackpore, District –24-Parganas (North), the respondent no. 6 herein, 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 has stopped the H.R.A. of the petitioner on and from February, 2018.

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 actual payment. The arrear H.R.A. is to be paid 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. 23555 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.)