

ML 729
Dt.01.04.24
sandip
Ct. 18
03.05.2024

W.P.A. 25340 of 2023

Debaki Chattopadhyay
Vs.
The State of West Bengal & Ors.

Mr. Saibal Acharyya,
Mr. Pradip Paul ... For the petitioner.

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee ... For the State.

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

The petitioner is an Assistant Teacher at Sukchar
Karmadaksha Chandrachur Vidyayatan (H.S.),
District – North 24 Parganas. The husband of the
petitioner is an employee of a private organization

The grievance of the petitioner is that the District
Inspector of Schools (SE), 24 Parganas (North), the
respondent no. 4 herein, in terms of the impugned
Memo of the School Education Department,
Government of West Bengal, bearing no. 68ES/
Audit/12A-47/17 dated November 16, 2017 has
stopped the payment of House Rent Allowance(HRA) to the
petitioner on and from January 2018.

It appears that the Memoranda of the Finance
Department (Audit Branch), Government of West Bengal
bearing No. 5839-F(P) dated July 09, 2012 and bearing No.
8012-F(P2)/FA/O/2m/206/17(N.B.) dated December 27,
2018 are the basis of the said impugned Memo.

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 order and judgment 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 ten weeks from the date of communication of this order.

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

W.P.A. 25340 of 2023 is disposed with the above observation of without any order as to costs.

Since no affidavit 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.)