

14.05.2025
Ct. No.7
Sl. No.36
akd

W. P. A. 22514 of 2024

[Ranjib Das -Vs- The State of West Bengal & Ors.]

Mr. Soumen Dutta
Mr. Subham Dutta
Ms. Juthika Barman
... ... for the petitioner

Mr. Supriyo Chattopadhyay
Mr. Manoj Kumar Mondal
... ... for the State

1. The present writ petition has been filed seeking directive upon the District Inspector of Schools (SE), , PurbaMedinipur (respondent no.3) for release of House Rent Allowance (in short HRA) in favour of the petitioner amounting to Rs.4,11,546/-.
2. Sans unnecessary details, the key facts that need to be outlined for effective adjudication of the present writ petition are that the petitioner joined Manikabasan High School (H.S.) as an Assistant Teacher on 14.11.1996. He tied the knot on 14.07.1999 as per Hindu customs. However, subsequently, a dispute surfaced in their matrimonial life, which led to the institution of a matrimonial suit being MAT Suit Case No. 150 of 2012. The suit, instituted by the petitioner, was decreed on the ground of cruelty and desertion on 06.12.2023.
3. The wife of the petitioner also was a working lady and used to draw house rent allowance from her employer. After the marital tie was dissolved, the petitioner approached the competent authority for release of house rent allowance for the period from 01.04.2023 to 29.02.2024.

4. The petitioner's application for release of house rent allowance with effect from 01.04.2023 was forwarded to the District Inspector of Schools (SE), PurbaMedinipur, by the Headmaster of the school vide communication dated 10.06.2024, addressed to the Additional District Inspector of Schools (SE), Contai Sub-Division. In that letter, it was recorded that during the pendency of the matrimonial proceeding, the petitioner received house rent allowance irregularly. However, alleging inaction on the part of the Additional District Inspector of Schools in taking a decision on the petitioner's prayer, the present writ petition was preferred.

5. Upon concluding that the present writ petition should be decided after the exchange of affidavits by the parties, a coordinate Bench of this Court directed the State-respondents to file an affidavit, granting liberty to the petitioner to file a reply thereto. Accordingly, an affidavit-in-opposition has been filed on behalf of the District Inspector of Schools.

6. Mr. SoumenDutta, learned advocate representing the petitioner submits that the petitioner does not wish to use any affidavit-in-reply.

7. Mr. Dutta, learned advocate representing the petitioner, submits that the matrimonial suit was instituted by the petitioner on the grounds of desertion and cruelty, and the suit was ultimately decreed. Therefore, the fact that the petitioner was deserted by his wife stands proved. He further submits that such a decision gives rise to a presumption that the petitioner and his wife were living separately during the pendency of the matrimonial suit. According to Mr. Dutta, for this reason, the

petitioner would be entitled to receive house rent allowance, even though his spouse, being a working lady, was drawing house rent allowance from her employer.

8. Mr. Manoj Kumar Mondal, learned advocate representing the State-respondents, invited my attention to the order dated 04.10.2024 issued by the Additional District Inspector of Schools (SE), Contai Sub-Division, wherein it has been categorically stated that the petitioner would be eligible to receive full house rent allowance with effect from 07.12.2023, as the suit for divorce was decreed in his favour on 06.12.2023.

9. Heard the learned advocates for both the parties and perused the materials on record.

10. Showing regard to the Directive Principles of State Policy, particularly the provision engrafted in Article 43 of the Constitution, the State, with the objective of ensuring a decent standard of life for its employees, introduced the system of payment of house rent allowance. It cannot be denied that, in present times, the basic essentials for a dignified human life are food, shelter, and clothing. Therefore, to provide a level of frugal comfort, the State decided to extend such benefits and, accordingly, incorporated the provision for payment of house rent allowance in the service rules. Subsequently, although the ROPA Rules were framed, the benefit of house rent allowance was retained, and the amount of HRA was revised from time to time.

11. Now, subsequently, a question arises as to whether, in cases where both husband and wife are employed, house rent allowance would be admissible to both.

12. However, the Government decided that they would be entitled to house rent allowance, provided the combined allowance does not exceed a certain limit. Admittedly, this limit has been revised from time to time and, as per the latest ROPA, 2019, it has been fixed at Rs. 12,000/-. Over the years, the provisions relating to house rent allowance have been amended, and this Court can take judicial notice of Notification No. 9/55-SC(Law)/SL-5S-1221/09 dated 27.07.2011. This circular addresses the entitlement of house rent allowance for married working employees who are compelled to reside in separate accommodations due to the distance between their workplaces.

13. The State is the guardian of public finance, and the prerogative and domain rest with the State to determine which benefits are to be granted to its employees and under what conditions. The scope of judicial review in financial matters is limited. Unless a specific case is made out showing that a financial policy has been framed in contravention of the constitutional mandate or any applicable rule, or that the financial decision fails to withstand the test of reasonableness, a Court exercising judicial power cannot interfere with such policy.

14. Considering all these aspects, and taking note of the fact that the State has not yet addressed the issue of entitlement to house rent allowance for working spouses who are compelled to live separately due to matrimonial disputes, this Court is unable to pass any order compelling the State-respondents to release house rent allowance in favour of the petitioner for the period during which the matrimonial suit was pending, as the

petitioner claimed that he was forced to live separately, being deserted by his wife.

15. However, as decided by the District Inspector of Schools (SE), the petitioner shall be entitled to receive house rent allowance with effect from 07.12.2023. The District Inspector of Schools (SE), Purba Medinipur, is directed to release HRA in favour of the petitioner w.e.f. 07.12.2023 and all arrears accrued in favour of the petitioner towards house rent allowance within a period of eight weeks from the date of receipt of a copy of this order.

16. The District Inspector of Schools (SE), Purba Medinipur is directed to act on the server copy of this order without insisting the petitioner upon production of a certified copy.

17. With these observations and order, this writ petition is disposed of.

18. There shall be no order as to costs.

(Partha Sarathi Chatterjee, J.)