

WPA 30054 of 2024

16.5.2025

Monali Paul dutta. -vs- The State of West Bengal & Ors.

Ct.25,sl. 37,
sk

Mr. Subrata Ghosh
...for the petitioner

Mr. Vimal Kr. Shahi
Ms. Pratiti Das
...for the State

1. Affidavit of service filed by the petitioner is taken on record.
2. The instant writ petition involves the issues regarding grant of H.R.A. to the petitioner at a time when her spouse has also been enjoying HRA, being a non-government servant. The petitioner's grievance is tht for the reason as above she has been unauthorizedly and illegally declined payment of house rent allowance as per the rules.
3. The present issue is no further res integra and the Court in previous orders have dealt with the same and settled the law in this regard. The following order of this Court passed in WPA 1389 of 2018 (Mousumi Biswas & Anr. -vs-State of West Bengal & Ors.) dated 16.3.2021 may be mentioned:-

"In view thereof, the State respondents are hereby directed to ensure complete conformity in the payment of HRA which is payable to the petitioners in accordance with the ceiling envisaged in the

ROPA Memorandum of 2009 which is applicable to them along with any connected memos, that may be applicable. If in any case, the payment of such HRA has been stopped in pursuance of the Audit Memo dated November 16, 2017, Finance Department Memo No. 5839-F(P) dated July 9, 2012, and Memo No. 2554/G-SE dated December 28, 2017 or other similar memos that have been issued by the various District Inspectors of Schools(S.E.) across the State of West Bengal, the arrears of the same must be paid to the petitioners within six weeks from the date of this judgment.

Needless to state, the above direction shall also be applicable in cases where the State respondents had proceeded to recover the purported excess HRA that was paid to the petitioners with the direction that such recovered amount of purported excess HRA may also be repaid to the petitioners”.

4. In case of the present petitioner in view of the factual background of the case, there is no requirement to divert from what has been held by the Hon’ble Court in the order as mentioned above.
5. Hence, this writ petition is disposed of by directing the respondent no.4/the District Inspector of Schools (SE), Purba Bardhaman to consider the petitioner’s prayer as made in the instant writ

petition in the light of the ratio decided by the Court in the judgment of Mousumi Biswas(supra).

6. Let that exercise be concluded by the said respondent no. 4 within a period of three weeks from the date of communication of copy of this order.
7. Let the respondent pass a reasoned order, if not the prayer of the petitioner in the writ petition is immediately allowed by him.
8. The respondent shall afford opportunity of hearing to the petitioner before coming to any final decision.
9. With the above observations and directions the writ petition being WPA 30054 of 2024 is disposed of.
10. Since no affidavit is invited, the allegations contained in the petition are deemed to have been denied by the respondents including the private respondents.
11. Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Rai Chattopadhyay, J.)

