

28th Jan., 2026
Item nos.D/L 31&32
Court No. 18
Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 7026 of 2023**

In the matter of :

Santanu Adak

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Ekramul Bari
Mr. Salauddin Ahamed
Mr. Sk. Imtiaj Uddin

....Advocates

For the State:

Mr. Arindam Chakraborty
Ms. Lipika Chatterjee

....Advocates

For the Respondent nos. 4 &5:

Mr. Saibal Acharyya
Mr. Pradip Paul

....Advocates

WITH

Case No. **WPA 25604 of 2018**

In the matter of :

Santanu Adak

.... Petitioner

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioner:

Mr. Ekramul Bari
Mr. Salauddin Ahamed
Mr. Sk. Imtiaj Uddin

....Advocates

For the State:

Mr. Rajendra Chaturvedi

....Advocates

For the Respondent nos. 4 &5:

Mr. Saibal Acharyya
Mr. Pradip Paul

....Advocates

In Re:- WPA 7026 of 2023

1. The petitioner was a school teacher who retired from service on 31st May, 2022 and has not received his terminal dues allegedly because the issue of House Rent Allowance has not been properly ascertained.
2. The issue of payment of House Rent Allowance to the petitioner has been directed to be reconsidered by the Commissioner of School Education within a period of two months vide order dated 28th January, 2026 in WPA 25604 of 2018.
3. In the instant writ petition, the petitioner has challenged the order of the school authority dated 24th December, 2021 directing the petitioner to refund the overdrawn House Rent Allowance received by him.
4. As the issue of House Rent Allowance is pending consideration before the Commissioner of School Education, accordingly, the petitioner ought not to be directed to refund any amount drawn by him on account of House Rent Allowance.
5. Learned advocate for the School submits, upon instruction that, the offline pension file of the petitioner has been made ready and forwarded to the District Inspector of Schools on 8th March, 2022.
6. The District Inspector of Schools, Secondary Education, Hooghly has forwarded a report signed on 27th January, 2026 mentioning that the e-pension file of the petitioner has not been submitted by the school till date.
7. The school authority is directed to forward the e-pension file of the petitioner to the District Inspector of Schools immediately. The District Inspector of Schools shall act on the basis of the file

received either offline or online in respect of the petitioner for calculating his terminal dues.

8. The final pension file will be made ready after the reasoned order is passed by the Commissioner of School Education regarding House Rent Allowance receivable by the petitioner.
9. The school and the pension sanctioning authority shall ensure that the pension file of the petitioner is made ready and forwarded to the DPPG for issuance of provisional Pension Payment Order.
10. The respondent authorities shall ensure that the admissible terminal dues of the petitioner, who retired way back in 2022, is positively disbursed in his favour by 29th May, 2026.
11. The petitioner is directed to render all necessary cooperation to the school and the District Inspector of Schools for preparation of his pension file.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

In Re:- WPA 25604 of 2018

1. The order dated 17th November, 2017 passed by the Commissioner of School Education rejecting the petitioner's prayer for grant of House Rent Allowance is impugned in the instant writ petition.
2. It appears that the authority found that the parties were leaving together in the Salt Lake government quarter allotted in favour of the spouse of the petitioner.
3. The petitioner has averred that he never stayed in the government accommodation as the distance between the quarter to his school is

not commutable on daily basis by availing general available transport.

4. Source of information about the parties living together is neither disclosed in the impugned order nor in the affidavit in opposition filed by the respondent.

5. The impugned order clearly mentions that the distance from Salt Lake to the school can be travelled by availing daily transport in the manner as mentioned hereinbelow:-

1. From Bidhannagar to Bandel : 43 KM

Bandel to Mogra : 7 KM

Mogra to Dwarbasini : 21 KM

2. Bidhannagar to Dankuni : 18 KM

Dankuni to Sibaichandi : 36 KM

Sibaichandi to Dwarbasini : 12 KM

6. Though the impugned order records the distance but the same does not record the time required to commute from Salt Lake to the school and back.

7. Learned advocate for the petitioner asserts that total of 93 kilometers on each side is non-commutable on daily basis by availing general available transport. The petitioner has a residential house near to his school and he claims to have travelled to school from his said house.

8. Memo number 955-SE (Law)/SL/5S-1221/09 dated 27th July, 2011 deals with House Rent Allowance. It mentions that in case the distance is less than 150 KMs but not less than 50 KMs and the said distance is not commutable daily by availing general available transport, full house rent allowance as per rule with the approval of the department may be admissible to both working spouses if they live separately.

9. In the instant case, the petitioner claims that he was living separately from his spouse and the distance between the school and the accommodation of his spouse is not commutable on daily basis by availing general available transport.
10. In the absence of any verifiable document to suggest that the parties were living together, the authority cannot unilaterally opine that the House Rent Allowance cannot be paid as the parties stayed together in the accommodation provided by the employer to his spouse.
11. In view of the above, the impugned order dated 17th November, 2017 stands set aside. The Commissioner of School Education is directed to revisit the issue all over again and rely upon verifiable documents to arrive at a decision in the matter keeping in mind that the petitioner has retired from service way back on 31st May, 2022 and he has not received his terminal dues.
12. The Commissioner of School Education is directed to pass a reasoned order in the matter after hearing the petitioner and all other necessary parties at the earliest but positively within a period of eight weeks from the date of communication of this order.
13. The writ petition stands disposed of.
14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)