

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA 238 of 2019

Mitra Bhaduri -- VERSUS – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant : Mr. S. Ghoshal, Ld. Advocate.
Mr. A. Mukherjee, Ld. Advocate.
For the State Respondents : Mr. A.K. Das Sinha, Ld. Advocate.

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18.02.2025

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

The prayer in this application is for setting aside the impugned memo no. 1274 dated 29.09.2015. By this order, the Superintending Engineer, State Highway Planning Circle had stopped further payment of HRA to the applicant w.e.f. October 2015. In the same order, Rs.39,993/- the overdrawn HRA amount for the period from July 2012 to September 2015 in 36 (thirty six) monthly instalments was to be received from the salary. The learned counsels representing the applicant draws my attention to copies of the representations filed by the applicant and also the G.O. No. 5839-F(P) dated 09.07.2012. Examining the papers in this application, the Tribunal finds that earlier this matter was referred to the Finance Department for its views. The Finance Department had opined that this matter relating to HRA be dealt under G.O. No. 5839-F(P) dated 09.07.2012 and G.O. No. 1691-E dated 23.02.2009. The contention of the applicant's side is that as per G.O. No. 5839-F(P) dated 09.07.2012, the applicant, a State Government employee is entitled to draw the HRA though her husband who works in a Private Company in Madhya Pradesh draws his HRA since he lives separately.

Since the two (02) G.O.s – 1691-E dated 23.02.2009 and 5839-F(P) dated 09.07.2012 mentioned by the Finance Department in its opinion are relevant documents to examine, the Tribunal advises both the sides to present before this Tribunal clear copies of these G.Os on the next date.

Let the matter appear under the heading "**Hearing**" on **06.05.2025**.

SS/HS

SAYEED AHMED BABA
Officiating Chairperson & Member (A)