

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 109 of 2023

Date of Decision :02.05.2024

1. Shri. Shahajol Abedin
Son of Shri. Joynal Abedin,
R/o Sobribari Village,
PO Sobribari,
West Garo Hills District,
Meghalaya – 794104.
2. Shri. Atiqul Islam,
Son of (L) Motior Rahman,
R/o Sobribari Village,
PO Sobribari,
West Garo Hills District,
Meghalaya – 794104.

...Petitioners

-Versus-

1. State of Meghalaya represented by
The Principal Secretary to the
Govt. of Meghalaya,
Community & Rural Development,
East Khasi Hills District,
Shillong, Meghalaya.
2. The Under Secretary to the
Govt. of Meghalaya,
Community & Rural Development Department,
East Khasi Hills District,
Shillong, Meghalaya.
3. The Mission Director,
State Rural Employment Society,
Sympli Building, Dhankheti,
East Khasi Hills District, Shillong.

4. The Project Director, DRDA
Selsella C&RD Block,
West Garo Hills District,
Meghalaya.
5. The Deputy Commissioner/ District
Programme Officer, MREGS,
West Garo Hills District, Tura,
Meghalaya.
6. The Block Development Officer/Programme
Officer, MREGS Selsella C&RD Block,
Selsella, West Garo Hills District,
Meghalaya.
7. The Sobribari VEC
Represented by its President
under Selsella C&RD Block,
P.O. – Sobribari, West Garo Hills District,
Meghalaya.
8. Shri. Azizur Rahman,
Secretary of Sobribari VEC
under Selsella C&RD Block,
P.O. – Sobribari, West Garo Hills District,
Meghalaya.

...Respondents.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) :	Ms. P.Agarwal, Adv. Ms. M.L.Tlau, Adv.
For the Respondent(s) :	Ms. N.G.Shylla, Sr. GA with Ms. Z.E.Nongkynrih, GA for R 1-6. Mr. S.K.Hassan, Adv. for R 7 & 8.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioners are before this Court with a prayer to direct the respondent No. 6 who is the Block Development Officer/Programme Officer, MREGS, Selsella C&RD Block, Selsella, West Garo Hills District, Meghalaya, not to release the pending funds of the Sobribari VEC until the final disposal of their complaint dated 21-11-2022, and also for a direction to the respondents to initiate an enquiry against the respondent No. 6 with regard to the release of funds for the preceding years 2022-2023.

2. Ms. P.Agarwal, learned counsel for the petitioner has submitted that the writ petitioners are job card holders within the said VEC and that they are aggrieved with the actions of the respondent Nos. 7 and 8, who have discriminated against them and even sought to extort the wages paid to the other job card holders. It has further been submitted that the manner of operation of the said VEC under the respondent Nos. 7 and 8 is irregular, especially with regard to the works that have been completed and the payment that have been released through the respondent No. 6. She further

submits that though enquiries were held, the same was not proper and as such, she prays that a thorough enquiry be gone into against the respondent Nos. 7 and 8 more particularly.

3. Ms. N.G.Shylla, learned Sr. GA on behalf of the respondent Nos. 1-6, has submitted that on the complaint of the writ petitioners, enquiries had been conducted and reports were generated, apart from measurement of the works. She submits that the writ petitioners had participated in the same and as such, at this stage, cannot any longer harbour any grievances, apart from their own personal enmity which they might hold. She further submits that the wages of the job card holders are directly paid into their accounts, and if the petitioners have any complaints with regard to any extortion, they should have taken steps in accordance with law. She submits that with regard to the said extortion, there is nothing on record to show that the petitioners have taken any steps before the Police or any other authorities.

4. Mr. S.K.Hassan, learned counsel on behalf of the respondent Nos. 7 and 8 submits that the writ petitioners have an inimical attitude towards the respondent Nos. 7 and 8 in the discharge of their duties, and have filed this frivolous writ petition which has no basis. He further supports the submission made by learned Sr. GA, and prays that the writ petition be dismissed.

5. Heard learned counsel for the parties.

6. As noted earlier, the prayers are for a direction for conducting an enquiry and also to question the respondent No. 6 as to the release of funds to the said VEC. It is further noted that the entire writ petition is based on a perceived complaint with regard to improper execution of works by the said VEC under the President and Secretaryship of respondent Nos. 7 and 8. From the materials as placed, it is seen that pursuant to the complaint, a report dated 11-05-2023, signed by the Enquiry Officer appointed to conduct the same, had been submitted detailing the enquiry that had been gone into. The enquiry report for the sake of convenience is reproduced herein below:

“Enquiry Report of Sobribari VEC

Dated : 11/05/2023

On 4th April 2023: *Inspections were done along with measurements of the projects in the presence of VEC Functionaries, complainants and Job Card Holders. However, inspections and measurements of all projects could not be completed due to limitation of time.*

On 14th April 2023: *Inspections were done along with measurements of the projects in the presence of VEC Functionaries, complainants and Job Card Holders. The inspections and measurements of the some projects could not be completed and inspection had to be stop owing to the absence of the VEC however the VEC President, complainants and Villagers were present during the inspection but could not identify the projects.*

On 10th May 2023: Inspections were done along with measurements of the projects in the presence of VEC Functionaries, complainants and Job Card Holders. While conducting the inspection and measurements of the projects the complainants and VEC functionaries got into a heated argument and the enquiry had to be completed with difficulty.

According to the complainants there were 30 (Thirty) Projects.

With regards to data available in MGNREGS MIS portal, 25 (Twenty Five) projects were allocated to VEC whereas with the remaining 5 (five) projects had only its name entered in MIS but it was not taken up by the VEC.

The complainants had claimed that there were 39 ring wells and 12 Water Tanks but as per the records of the work order issued there were 33 (Thirty Three) ring wells and 11 (Eleven) water tanks.

It is also observed that the projects sanctioned for Sobribari were constructed by the VEC functionaries and Job Card holders as per the guidelines of MGNREGA Act, since the VEC wages component of a sanctioned project is paid through the job card holders account via Direct Benefit Transfer (DBT) and the material component of all the projects sanctioned for the VEC were paid through VEC account, so the question of deduction of wage money from job card holders does not arise. It is also found that the projects are visible in the VEC but the signboard/CIB of the projects was damaged since most of the projects were more than four to five years old.

The complainants had claimed that the present VEC functionaries were elected on 12th January 2016 and till date they are functioning as VEC functionaries however there is concrete

documentation that the previous election was held on 20th December 2019 (enclosed as Annexure-I).

*Sd/-
(Nikrachi Ch Sangma)
Enquiry Officer
JRDO
Selsella C&RD Block
West Garo Hills.”*

7. From a perusal of the enquiry report, it is clearly seen that the complainants, job card holders, VEC functionaries were all present, and also that the findings contained therein have not revealed any irregularities.
8. In this view of the matter, as the complaints of the writ petitioners have been answered, the writ petition indeed being frivolous, the same is not entertained, inasmuch as, adequate opportunity had been granted to the writ petitioners at the time of the enquiry.
9. Accordingly, the same is dismissed and disposed of.

Judge

Meghalaya
02.05.2024
“Samantha PS”