

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10121 of 2013

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Tirhut Samagra Vikas Parishad Through Its Secretary, Baban Kumar Mishra Son
Of Dr. Parmeshwar Mishra At + P.O. Saidpur, Via - Pusa, Police Station - Pusa,
District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Rural Development, Government of Bihar, Patna
3. The Project Director, D.P.A.P., Department of Rural Development, Government of Bihar, Patna
4. The D.M., Muzaffarpur
5. The Deputy Development Commissioner - Cum - Chief Executive Officer, District Rural Development Authority, Muzaffarpur
6. The Block Development Officer - Cum - Chief Executive Officer, District Rural Development Authority, Muzaffarpur
7. The Union of India through the Secretary, Department of Land Resources, Ministry of Rural Development, New Delhi
8. The Joint Secretary, Department of Land Resources, Ministry of Rural Development, New Delhi
9. The Pay and Accounts Officer, Department of Land Resources, Ministry of Rural Development, Krishi Bhawan, New Delhi

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 15-03-2016

Heard the counsel for the petitioner, the State as well as the
respondent Union of India.

This is the second round of litigation by the petitioner which is a
Non Government Organization (NGO) engaged in the implementation of social
schemes. The petitioner-Society has claimed to have discharged some
duty/activities under the Integrated Watershed Development Programme
(greenery) Scheme in Musahari Block of Muzaffarpur district. According to the
petitioner, the work of the Community Mobilization, Training and preparation of
the Detailed Project Report (DPR) were assigned to and discharged by the



Society. A claim for payment of approximately 09 lakh of money was raised. Since no decision was taken and the matter remained pending with the respondent State Government, the petitioner filed a writ petition being CWJC No. 18153 of 2009. A Bench of this Court, by order dated 18.01.2011 (Annexure-9), directed the Principal Secretary, Rural Development Department to consider the representation of the petitioner and if certain amount is found due, the same be disbursed in favour of the petitioner. In the light of the said order, the representation of the petitioner for payment of the dues/bills was/were considered/examined by the respondent Principal Secretary and rejected vide order dated 28.02.2013 (Annexure-14). Before doing so, the petitioner was given an opportunity to make submission and place the relevant facts/documents.

On going through the order, the Court finds that the dues claimed by the petitioner have been seriously disputed. Paragraph 3 and 4 of the order indicate that no formal order of engagement was issued to the petitioner. The petitioner was not therefore appointed as NGO for preparation of DPR or for training or for Community mobilization.

Counsel for the petitioner has made submission to establish that there was an agreement and the work/activity of the scheme was assigned to the petitioner.

Be that as it may, since the dues of the petitioner have been disputed by the respondents, this Court does not find it fit to direct for payment of the dues giving the petitioner liberty to agitate the grievance before appropriate forum/court/authority in accordance with law.

Before parting with the case, this Court would notice the submission of the petitioner on the basis of Annexure-B to the counter affidavit that the payment under the said head has already been shown to have been disbursed.

This is a case of serious financial embezzlement. The respondents in paragraph 7 of the counter affidavit have stated that no amount towards payment to NGO, Tirhut Samagra Vikash Parishad has been drawn.

Declining the prayer, the writ application stands disposed of giving the said liberty.

(Kishore Kumar Mandal, J)

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