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09.03.2021.
d.p.

**W.P.A 3357 of 2020
(Via Video Conference)**

**Riyajul Alam Malitya
-versus
The State of West Bengal & Ors.**

**Mr. Sarwar Jahan,
Mr. Firoze Hassan,
Mr. Asraf Mandal.
...For the Petitioner.**

**Mr. Sudipto Panda
Ms. Munmun Tiwary.
...For the State.**

In spite of direction for filing an affidavit by the District Magistrate, the same has not been filed.

However from the affidavit filed by the District Magistrate, Murshidabad in compliance by the direction passed by the Court 28th January, 2021 in similar matters, it appears that an Enquiry Committee was formed and a report has been filed by all the five members of the Enquiry Committee dated 23rd July, 2019.

From the said enquiry report it appears that the committee after going through the documents including resolution, tender notice, comparative statement, supply order, measurement book, bill voucher, application for bill, MIS report, photocopy of the work etc. has come to an opinion that the work was done completely as per schedule.

Physical verification was made at the site and the Assistant Engineer and other technical members of the Committee expressed satisfaction with the work. The Committee was of the unanimous decision that payment regarding work should be disbursed as the work has been executed as per schedule and payment recommendation by the technical person entrusted for the same has been made.

The specific case of the petitioner is that he is similarly placed as that of Habibur Rahaman and Abdul Gaffar.

As the direction has been made for payment of the other two persons who participated in the selfsame tender, accordingly, the instant writ petition is disposed of by directing the District Magistrate, Murshidabad to take necessary steps for disbursing the dues in favour of the petitioner, strictly in accordance with the tender notice, after scrutinizing the necessary papers and the work done by the petitioner in terms of the work order issued. If the documents of the petitioner and the work performed by the petitioner are found to be in order, then payment shall be released at the earliest but positively within a period of six months from the date of communication of a copy of this order.

W.P.A. 3357 of 2020 is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)