

Court No. 24

09.03.2021

(Item No. 145)

(AB)

W.P.A 5438 of 2021

Ramesh Chandra Das & Anr.

vs

The State of West Bengal & Ors.

Mr. Chittaranjan Chakraborty

Mr. Partha Sarathi Ghosh

Mr. Dipjyoti Chakraborty

Mr. Sandip Dinda

..... for the petitioners

Ms. Sutapa Sanyal

Ms. Susmita Saha

..... for the State

Affidavit of service filed in Court today is taken on record.

The allegation of the petitioners is that the Pradhan of the Dharampur Gram Panchayat has not issued the Deposit at Call Receipts in favour of the petitioners for which they could not take part in the tender process initiated by the Dharampur Gram Panchayat on 5th February, 2021 being e-NIT No. 04(e)/MGNREGA/DGP/2021 and e-NIT No. 05(e)/MGNREGA/DGP/2021.

The petitioners allege that the Block Development Officer is siding the Pradhan of the Gram Panchayat has not issued the DCR in favour of the petitioners.

None appears on behalf of the Panchayat despite service.

The learned advocate representing the State respondent submits, upon instructions from the Block

Development Officer, that 18 members participated in the tender process with the DCR issued in their favour, however two could not, the petitioners in the instant writ petition.

It has also been submitted that the bids in respect of the said tender have already been opened but the work order is yet to be issued.

The petitioners also allege that the rules as laid down in the notification issued by the Finance Department, Audit Branch, Government of West Bengal being No. 2254-F(Y) dated 24th April, 2014 has not been followed at the time of issuance of the e-tender notice.

As none appears on behalf of the Panchayat, accordingly no conclusive decision can be taken by the Court in this matter at this stage.

It appears that the representation filed by the petitioners is pending consideration at the end of the respondent authorities.

In view of the above, the instant writ petition is disposed of by directing the respondent No. 3, being the District Panchayat & Rural Development Officer to take steps for consideration of the representation of the petitioners, strictly in accordance with the relevant rules/notifications/guidelines/circulars at the earliest, but positively within a period of three

months from the date of communication of a copy of this order.

In the event, the said respondent is of the opinion that the relevant rules were not followed at the time of publication of e-tender notices then necessary steps shall be taken by the said respondents to deal with the same, in accordance with law.

The said respondent shall pass a reasoned order and communicate the same to all the necessary parties, including the petitioners, immediately thereafter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation.

As it has been submitted that the work order has not been issued till date, accordingly the Panchayat is restrained from issuing the work order in favour of the successful tenderers till a decision is taken by the respondent No. 3 in compliance of the order passed herein.

The petitioners are directed to forward a copy of the representation dated 09.02.2021 to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)