

23.07.2021
Ct. No.13
Sl. No.117
pk/akd

W.P.A. 11165 of 2021 [via video conference]

[Tarak Nath Bose -Vs- The State of West Bengal & Ors.]

Mr. Rwitendra Banerjee
Mr. Sougata Mitra
Mr. Rameshwar Sinha
... .. for the petitioner

Mr. Raja Saha
Mr. Simanta Kabir
... .. for the State

The writ petitioner complains that he has performed work under the Kalapathar Major RLI Scheme under RIDF-XXIV programme.

It is also submitted that the Assistant Engineer, Purulia-I (Agri – Mechanical) Sub-Division, Belugma, Purulia has certified on 24th June, 2020 that the petitioner has infact completed the work. Reliance is also placed on a communication dated 4th June, 2020 issued by the Executive Engineer (A-M), Purulia to the Superintending Engineer (Agri-Mech), Midnapore for release of funds to pay the petitioner.

In the above circumstances, this Court directs the Superintending Engineer (Agri-Mechanical) office at Administrative Building, Dak Banglow Road, Saratpally, Paschim Medinipur to consider and dispose of the petitioner's representation dated 18th March, 2021 in accordance with law mandatorily and positively within a period of one month from date.

If it is found by the Superintending Engineer that the petitioner has indeed completed all work to the satisfaction of the

department and that the petitioner is in fact entitled to, as certified in the communication of the Executive Engineer dated 4th June, 2020, payments shall be released to the petitioner within a period of 45 days from date.

The Court is conscious of the fact that normally, monetary claims are not entertained under Article 226 of the Constitution of India. However, given the decision of the Hon'ble Supreme Court in the case of ***ABL International Ltd. & Anr. vs. Export Credit Guarantee Corporation of India Ltd. & Ors.*** reported in ***(2004) 3 SCC 553*** as reiterated in ***Joshi Technologies International INC. vs. Union of India & Ors.*** reported in ***(2015) 7 SCC 728***, crystallized admitted and undisputed claims can indeed be so entertained under Article 226 of the Constitution of India.

With the aforesaid observations, the writ petition is allowed in part and disposed of.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)