

Item No. 138

29.08.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8672 of 2022
Biswapriya Chowdhury
v.
The State of West Bengl & Ors.

Mr. Satya Ranjan Kundu
Mr. Manoranjan Kumar
... for the petitioner.

Ms. Jhuma Chakraborty
Mr. Aritra Ghosh
... for the State.

The grievance of the petitioner is that the representation filed by the petitioner praying for releasing the payment pursuant to the work order issued in his favour by the Executive Officer, Bandwan Panchayat Samity on February 26, 2018 has not been considered.

The petitioner filed representation before the Executive Officer on August 29, 2019 followed by reminder on March 3, 2022 and alleges that none of the representations have been considered till date.

Learned advocate representing the State respondents has obtained instruction from the Block Development Officer, Bandwan Development Block which mentions that as per the measurement book the

dues of the petitioner was assessed at Rs. 29,99,128/- and requisition for the said amount was submitted to the district authorities on July 8, 2019 vide Office Memo No. 341/BPS dated July 8, 2019.

The District Magistrate, Purulia vide Office Memo No. 905/D dated October 9, 2020 intimated the Principal Secretary to the Government of West Bengal, Department of Paschimanchal Unnayan Affairs for payment of the bills and the said amount would be released after getting funds from the district authorities.

It appears from the instruction forwarded by the Block Development Officer that though the amount has been assessed and requisition has been made before the competent authority but due to non-disbursal of funds from the district authorities the petitioner's bills cannot be released.

The aforesaid stand of the respondent authorities cannot be accepted by the Court. The concerned authority was aware at the time of issuance of the work order that the costs involved in the project is to be paid immediately upon submission of the bills. The same ought not to be withheld on account of non-disbursal of funds from the district authorities.

It is the duty of the authority to disburse the legal dues of the petitioner in proper time. Though the amount payable was assessed in July 2019 and

requisition forwarded on 8th July, 2019, but the same is yet to be disbursed.

Accordingly, the Executive Officer, Bandwan Panchayat Samity, Purulia is directed to take immediate steps for releasing the amount of Rs. 29,99,128/- to the petitioner positively within a period of three months from the date of communication of a copy of this order.

In the event, the aforesaid amount is not disbursed within the time as specified hereinabove, the petitioner will be entitled to receive the amount with interest assessed @ 7% per annum on and from the due date till the date of actual payment.

The writ petition stands disposed of.

Instruction given by the Block Development Officer, Bandwan Development Block be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)