

20.01.2022
Court No. 19
Item no.22
CP

WPA No. 15107 of 2021

Buddhiswar Halder
Vs.
The State of West Bengal & ors.

Mr. Pankaj Haldar

....for the petitioner.

Mr. Santanu Kumar Maitra
Mr. Ranjit Rajak

.....for the State.

The petitioner claims that the money to which the petitioner was eligible for having executed some works pursuant to a notice inviting tender issued by the authorities of Nagendrapur Gram Panchayat under MGNREGA, was wrongfully withheld and paid to one Anuradha Construction without any authority. The petitioner further submits that the petitioner is entitled to an amount of Rs.9 lakhs for the work undertaken by the petitioner. The work related to supply of materials.

The Block Development Officer, Mathurapur-II Development Block was directed by this court to consider the grievances of the petitioner by an order dated March 12, 2019. The petitioner's grievances were considered and it was found that the tender process was initiated illegally and there were

irregularities in issuance of the work order. However, the authority did not totally rule out the claim of the petitioner but, instead opined that the payments to which the petitioner was entitled was already given to one Anuradha Construction. It has been further stated that certification of the technical staff of the gram panchayat showing, *inter alia*, that the petitioner had actually supplied the materials pursuant to the work order was mandatory in order to decide whether payment should be made to the petitioner or not.

The Block Development Officer, Mathurapur-II Development Block was faced with two situations – One, that there was no certification/verification or proof of the petitioner having supplied the materials and, secondly, that the payment was also made to Anuradha Construction. Accordingly, the Block Development Officer sought instruction from the District Nodal Officer in this regard.

Having considered the rival contentions of the parties, the writ petition is disposed of with a direction upon the respondent no. 3 to treat the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner, the panchayat authorities as also the Block Development Officer.

A reasoned order shall be passed and communicated to all concerned.

This court has not gone into the merits of the claims of the parties.

The entire exercise shall be completed within a period of four months from the date of communication of this order.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)