

20.09.2022

**WPA(P) 331 of 2022**

**Asmot Ali Molla & Ors.**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Anjan Bhattacharya

Ms. Anita Shaw

... .. for the petitioners

Mr. Lalit Mohan Mahata

Mr. Prasanta Behari Mahata

Mr. Tapash Kr. Mondal

... .. for the State

The report in the form of affidavit filed by the respondent no.5, District Panchayat and Rural Development Officer, South 24-Parganas is taken on record.

Learned counsel for the petitioners has submitted that no exception to the report is required to be filed. Hence, the matter is heard.

This public interest petition was filed by the petitioners alleging the misappropriation of funds under MGNREGS. Earlier the petitioners had filed WPA(P) 60 of 2022 which was disposed of by order dated 15<sup>th</sup> February, 2022 with a direction to the respondent no.5 therein to duly consider the petitioners' representations dated 31<sup>st</sup> January, 2022 and take an appropriate action in accordance with law after giving opportunity of hearing to all the concerned parties.

The present petition has been filed by the petitioners with the allegation that though the respondent no.5, District Panchayat and Rural

Development Officer, South 24-Parganas had initiated action as per the direction of this Court but after 17<sup>th</sup> May, 2022 no action has been taken.

Considering the above plea, this Court by order dated 16<sup>th</sup> August, 2022 had directed the learned counsel for the State as also the respondent no.5 to file the report in the form of affidavit indicating the action taken after 17<sup>th</sup> May, 2022.

In pursuance to the said direction, report in the form of affidavit has been filed by the respondent no.5 today. The said report reveals that after 17<sup>th</sup> May, 2022 the enquiry was concluded by the respondent no.5 and a detailed enquiry report was submitted vide Memo dated 3<sup>rd</sup> August, 2022 wherein it was mentioned that after receiving the complaint a show cause notice was issued to the Pradhan, Nirman Sahayak, GRS, VLE of Gopalpur Gram Panchayat and the Pradhan could not give satisfactory answer to the show cause notice.

The report further reveals that the Block Development Officer, Canning-I had issued a cautionary and hearing notice against the Pradhan as reflected in the letter dated 22<sup>nd</sup> August, 2022 and that the letter of Block Development Officer, Canning-I dated 25<sup>th</sup> August, 2022 reveals that the Pradhan, Nirman Sahayak, Gopalpur Gram Panchayat and the enquiry team had appeared for explanation before the Block Development Officer on 24<sup>th</sup> August, 2022.

It is further disclosed that the respondent no.5 has no supervisory authority regarding MGNREGS matters and the same is being monitored by the District Magistrate and the Block Development Officer of the concerned block.

The report reveals that on 26<sup>th</sup> August, 2022 the persuasion of the departmental proceedings against Manoj Khanra, Gopalpur has been made by the Block Development Officer and a request has also been made to the District Magistrate for initiation of the departmental proceedings against the public servants.

The only submission of learned counsel for the petitioners at this stage is that appropriate action against the Pradhan is required to be taken in view of the above report.

Learned counsel for the State has submitted that appropriate action against the Pradhan will now be taken by the respondent no.6, Block Development Officer, Cannning-I.

Hence, we dispose of the present petition directing the respondent no.6 look into the issue and to take appropriate action against the Pradhan in accordance with law expeditiously.

**(Prakash Shrivastava, C.J.)**

**(Rajarshi Bharadwaj, J.)**