

19 16.08.2022

gd/ssd

WPA(P)/342/2022
DILIP KUMAR PAL
VS
THE STATE OF WEST BENGAL AND ORS.

Mr. Anup Dasgupta

..for the Petitioner.

Mr. Jahar Lal De,
Mr. Supratim Dhar

..for the State.

Dr. Bishnupada Dutta

..for the Respondent No.5.

Mr. Sudhakar Thakur

.. for the Respondent No.7.

The allegation in this public interest petition is in respect of the defalcation of funds allocated under the MGNREGA Scheme to the Amdabad-I Gram Panchayat. In paragraph 3 of the petition the petitioner has given the instances of such defalcation by disclosing the details of the work which were allegedly not done.

Learned counsel for the State has submitted that the grievance raised by the petitioner can be duly looked into by the respondent no.2 i.e. District Magistrate, Purba Medinipur.

Learned counsel for the petitioner has also placed reliance upon the order of this Court dated 07.06.2022 passed in WPA(P) 106 of 2022 in the matter of Elius Ali Middya & Ors. v. The Government of West Bengal & Ors. wherein similar circumstances liberty was granted

to file the representation before the District Magistrate.

We are of the opinion that the allegations which are made in this public interest petition needs to be enquired into by the respondent no.2 i.e. District Magistrate, Purba Medinipur.

Hence, we dispose of the present writ petition granting liberty to the petitioner to file an appropriate comprehensive representation along with the relevant documents before the respondent no.2 i.e. District Magistrate, who, on receipt of the same, will conduct necessary enquiry by giving an opportunity of hearing to all the concerned parties. In the enquiry if it is found that the defalcation has been done, then he will take action against the erring officer without any delay in accordance with law.

Let this exercise be completed within a period of three months from the date of receipt of the representation.

The petition is, accordingly, disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

