

15.02.2022
Court No. 19
Item no.04
CP

WPA 20426 of 2021

M/s Halder Construction & anr.

Vs.

The Union of India & ors.

Mr. Debasish Ghosh

Mr. Nilanjan Adhikari

Mr. S. Roy

.....for the petitioners.

Mr. Suman Sengupta

.....for the State.

Despite several services and notices to the West Bengal State Rural Development Agency, the said respondent is not before the court.

Mr. Sengupta, learned advocate appearing on behalf of the State respondents, submits that he does not have any instructions to appear on behalf of the respondent nos. 4, 5 and 6.

As such, the matter is taken up in their absence. The petitioner has prayed that the Executive Engineer, West Bengal State Rural Development Agency be directed to dispose of the representation of the petitioner dated August 8, 2021. The representation is exhaustive and this court allows the prayer of the petitioner which is innocuous.

The court does not go into the merits of the claim of the petitioner. The competent authority, i.e.

the respondent no. 6 herein, shall decide the representation upon hearing the petitioner and upon considering the memorandum dated January 18, 2021 issued by the Principal Secretary, Department of Finance, Government of West Bengal. While disposing of the representation of the petitioner, the petitioner or the representative of the petitioner shall be heard.

The authority shall allow the petitioner to file documents in support of his claims. Oral and documentary evidence may be adduced. Thereafter, a reasoned order shall be passed and communicated to all.

Refusal of the claims of the petitioner shall be supported by reasons. If the authority arrives at a finding that the memorandum relied on by the petitioner is not applicable in the case of the petitioner, the reasons shall be disclosed. A reasoned order shall be passed and communicated to the petitioner.

As the agency appears to be under the Panchayat and Rural Development Department, Government of West Bengal, the petitioner is directed to serve a copy of this order in the office of the Government Pleader for onward transmission and knowledge of the said agency.

Mr. Sengupta submits that the State respondents do not have a role to play in this matter.

The entire exercise shall be completed within a period of three 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.)