

S/L 2

26.09.2022

Court. No. 19

 sn

W.P.A. 21411 of 2021

Krishna Karmakar

VS

The State of West Bengal & Ors.

Mr. S. Ganguli

Mr. S. Dutta

Mr. R. Mitra

... for the Petitioner

Mr. Raja Saha

Ms. Rupsha Chakraborty ..for the State

This writ petition has been filed alleging non-payment of the due on account of some works done by the petitioner. It is submitted that as there were some complaints of embezzlement of funds against the gram panchayat authorities, the accounting system (GPMS) maintained by the Duttapulia Gram Panchayat had been locked. For no fault of the contractors, their payments were withheld.

Mr. Saha, learned advocate for the State respondents submits that the District Magistrate, Nadia was informed by a clarificatory note, issued by the Secretary to the Government of West Bengal that the entry in the GPMS of Duttpulia Gram Panchayat be started for the financial year 2019-2020, by inserting the information manually. According to Mr. Saha, on the receipt of the clarification given from the government, the District Magistrate intimated the same to Dattapulua Gram Panchayat. The panchayat

has started to continue with the accounting system through GPMS, by keeping the amount embezzled, in a suspense account. The documents submitted before the court, indicate that the alleged work order for repairing and improvement of bitumen road from Khalpara culvert to Kalup Tatultala at Kalupur, had been issued to the petitioner. The work was also completed.

Under such circumstances, this writ petition is disposed of with a direction upon the Block Development Officer, Ranaghat-II Development Block to consider the case of the petitioner for release of payments in the light of the observations which have been made and pursuant to the clarification given by the government.

If the petitioner is otherwise eligible as per the work done by him, then payments shall be released within a period of three months from the date of communication of this order. If there are reasons not to release the payment, in that event, such reasons shall be communicated to the petitioner.

Accordingly, the writ petition is disposed of.

A copy of the writ petition along with a server copy of this order be served upon the Block Development Officer, Ranaghat-II Development Block.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)