

14.11.2022  
Sl. No.21  
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**W.P.A. No. 22696 of 2022**

**Uttar Gangadharpur Kalpataru Self Help Group & Anr.**

**Vs.**

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

Mr. Pankaj Halder  
Mr. Tapas Manna  
M. S. Maiti

....for the Petitioners.

Ms. Piyali Sengupta  
Mr. Anupam Dasadhikari

...for the State-respondents.

The petitioner No.1 claims to be a self help group which had supplied free meal to 33 beneficiaries under the Sahay Prakash.

The petitioners have relied upon the order issued by the Block Development Officer dated March 28, 2020. It appears that the Secretary of the petitioner no.1 was asked to start implementation of the 'Sahay Prakash' with effect from April 1, 2020. Photocopy of the same is produced before this Court. The same is taken on record.

The petitioners contend the said Prakash is still going on and the petitioners are supplying free meals to the 33 beneficiaries.

Submission is made that the Pradhan of Mathurapur Paschim Gram Panchayat had

recommended that the prakalpa must be implemented within the said Gram Panchayat. It also appears that the Executive Officer, Mathurapur-I Panchayat Samity had requested the Project Director, District Rural Development Cell, for release of Rs. 1,01,805/- for the period from April 1, 2020 to August 31, 2020 for disbursal of payments under the Sahay programme.

The learned advocate for the State respondents has filed several documents. One such document is a letter of the Pradhan, Mathurapur Paschim Gram Panchayat dated October 14, 2022 written to the Block Development Officer, Mathurapur-I Development Block. According to the said letter, Sahay Prakalpa was not continuing under the jurisdiction of Mathurapur Paschim Gram Panchayat. It has been further contended that the 33 beneficiaries to whom the petitioners had supplied ready meals were already covered by the Khadya Sathi(PDS) scheme.

It appears that the Block Development Officer, Mathurapur-I Development Block by a letter dated September 24, 2021, asked the Project Director of District Rural Development Cell to ignore the Pradhan's claim for release of funds for the Sahay programme as the same had not been implemented within Mathurapur Paschim Gram Panchayat. There

was no approval for implementation of the 'Sahay Prakaalpa' from the competent authority.

The letters of the authorities claiming funds for the scheme has now been retracted by the subsequent letters written by the Block Development Officer, Mathurapur-I Development Block and the Pradhan, Mathurapur Paschim Gram Panchayat.

What is most shocking is the authorities who had allegedly at a particular point of time asked for implementation of the scheme and consequent release of the funds, have now turned around and issued letters indicating that the said programme (Prakaalpa) had never been implemented. Thus, they contend that the petitioners were not entitled to any payment.

Moreover, it has been stated that 33 beneficiaries listed by the petitioners were already covered by another scheme.

This Court finds that there are serious discrepancies in the entire process. If the contention of the respondents that the Sahay Prakaalpa had neither been implemented nor approved by the competent authorities is correct, in that event the Executive Officer, Mathurapur-I Panchayat Samity and the Block Development Officer, Mathurapur I Block, could not have asked for release of funds.

Under such circumstances, this Court is of the view that a senior authority of the department must make an enquiry and take immediate steps to find out the truth and to fix responsibility apart from taking other steps as may be available under the relevant laws. The Joint Secretary to the Department of Panchayat & Rural Department, Government of West Bengal, shall make an enquiry and take all necessary steps and remedial measures. A copy of the writ petition along with all documents which have been supplied to the Court by the State respondents shall be served upon the said authority within two weeks from date, by the petitioner. All such documents annexed to the writ petition and all additional documents shall be considered by the Joint Secretary to the Department of Panchayat & Rural Department after giving an opportunity of hearing to a representative of the petitioners, the Pradhan of the Mathurapur I gram panchayat and the Block Development Officer, Mathurapur I Panchayat Samity.

It goes without saying that the said authority shall take all possible steps and ensure that a reasoned order is passed and communicated to all, within six weeks from the date of communication of this order and receipt of all the papers.

If the authority comes to a finding that the claims of the petitioners are genuine, consequential steps shall be taken and payment shall be released in accordance with law. If the claims are found to be inadmissible and not in accordance with law, in such case reasons shall be provided in the order.

This writ petition is disposed of.

There will be, however, no order as to costs.

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

**(Shampa Sarkar, J.)**