

18.11.2022
Court No. 19
Item 914 (ML)
CP

W.P.A. No. 26428 of 2015

Sri Sunil Basak

Vs.

The State of West Bengal & Ors.

Mr. Sobhan Majumder
Mr. Himangshu Ghosh

.....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. Prasanta Behari Mahata

....for the State.

The petitioner alleges that the completion certificates issued by the Pradhan, Bewa – I Gram Panchayat which are at pages 30, 33 and 34 of the writ petition, would indicate that several works of high value had been successfully completed by the petitioner. The certificates indicate the dates of the work order, dates of commencement of the work and the dates of completion of the work. The value of the completed work has also been mentioned in each certificate. Further, the pradhan had also certified that there were no defects which were required to be rectified.

Thus, going by the completion certificates there cannot be any dispute or doubt that the petitioner had been allotted works by the concerned gram panchayat and had also successfully completed the same.

Records reveal that the petitioner had approached the authorities time and again, but no steps were taken to release the payment. The writ petition was filed thereafter, for necessary directions upon the authorities to pay the bills raised by the petitioner on the basis of the work orders allotted to the petitioner.

Unfortunately, the writ petition was kept pending for many years and the petitioner cannot be blamed for such delay. This court is of the view that the authorities must be sensitive to the issue. Despite the completion of the works and despite having certificates of completion from the competent authority who was authorized to issue the work orders, the payments have not been made.

Under such circumstances, Mr. Lalit Mohan Mahata, learned Additional Government Pleader, is requested to appear in the matter and instruct his clients with regard to the compliance of this order. A copy of the writ petition be served upon Mr. Mahata in course of the day.

The writ petition is disposed of with a direction upon the Additional District Magistrate (Development) to treat the writ petition as a representation and dispose of the same in accordance with law.

The petitioner, the present pradhan and secretary of the gram panchayat, the erstwhile pradhan, who had issued the work order and the completion certificates, and any other authority who may have been involved in the process, shall be heard.

The authority will consider all the documents which indicate that the work orders had been issued in favour of the petitioner by the pradhan of Bewa – I Gram Panchayat sometime in 2012 pursuant to notices inviting tenders, as the petitioner was the successful bidder.

A reasoned order shall be passed and communicated. If the authority arrives at the conclusion that the claims of the petitioner are genuine, in that event directions for release of the admissible amount shall be passed. The authority competent to disburse the amount shall release the payment in accordance with law as per such direction.

If there are reasons to withhold the payment, such reasons shall be disclosed.

The court has not gone into the merits of the claims and all issues shall be decided on the basis of the rules and regulations applicable at the relevant point of time.

The entire exercise shall be completed within a period of six months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

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.)