

20.12.2022
Court No. 19
Item no.05
CP

WPA No. 27515 of 2022

Sri Bappaditya Sutradhar
Vs.
The State of West Bengal & Ors.

Mr. Siva Prasad Ghose

...for the petitioner.

Mr. B. J. Basu
Mr. Uttam Kr. De

...for the State.

It is contended that the petitioner was engaged as a Village Level Entrepreneur at the Bero Gram Panchayat. The petitioner claims that he was performing the work of a Date Entry Operator.

The allegation of the petitioner is that during the pendency of an enquiry with regard to defalcation of funds of the Bero Gram Panchayat, the village level entrepreneurs were not paid their remuneration. Rather, they were called for hearings with regard to such enquiry.

The petitioner submits that when the VLEs were not involved in the defalcation, there was no reason why the remuneration would not be paid.

Reliance has been placed on several communications between the pradhan and the Block Development Officer with regard to non-payment of the money.

It appears that the pradhan recommended such payment and the matter is pending before the Block Development Officer.

The records reveal that a proceeding with regard to defalcation of funds during the implementation of the MGNREGA projects by the said gram panchayat is pending and the Block Development Officer and the Block Programme Officer, Raghunathpur-1 by a notice dated April 13, 2022 called the petitioner and the others for a hearing.

If the petitioner had discharged his duties diligently and honestly, remuneration for the service which he had already rendered must be paid.

The other issues with regard to the pending enquiry is not gone into.

The writ petition is disposed of with a direction upon the Block Development Officer and the Block Programme Officer, Raghunathpur-1 to treat the writ petition as a representation and dispose of the same in accordance with law, upon granting an opportunity of hearing to the petitioner, to the pradhan of the concerned gram panchayat and any other authority who was in charge of supervising the work of the petitioner.

A reasoned order shall be passed and communicated.

If it is found that the petitioner's claim for remuneration is justified in the facts and circumstances, necessary orders shall be passed in favour of releasing the remuneration to the petitioner.

If there are reasons for not granting the remuneration, the same shall be disclosed in the reasoned order.

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

This order shall not preclude the authorities from proceeding with the enquiry and also from calling the petitioner as and when required. The petitioner must cooperate with the authority.

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.)