

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

207

**CWP-15052-2018
Date of Decision: 28.10.2022**

GURNAM SINGH AND OTHERS

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. B.B.S. Randhawa, Advocate
for the petitioners.

Mr. Saurav Verma, Addl. A.G., Punjab
for respondents No.1 and 3 to 5.

Mr. Vivek Chauhan, Advocate
for respondents No.6 and 7.

None for remaining respondents.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents No.1 to 4 to take action against the respondents No.5 to 7 for grabbing the money of labourers working under the MNREGA Scheme.

At the time of issuing notice of motion on 10.09.2018, a contention of the learned counsel for the petitioner was noticed to the effect that even though the Government had notified daily wages at the rate of Rs.200/- in the State of Punjab by notification dated 13.02.2014 for payment under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005

(MNREGA) but the petitioners are being paid Rs.50/- and remaining amount of Rs.150/- is being kept by the respondents No.8 in connivance with the respondents No.5 and 6.

Reply to the writ petition by way of affidavit of respondent No.5- Rajender Gupta, BDPO, Block Khadoor Sahib, District Tarn Taran dated 26.12.2018 has been filed and the copy of the same was received by the counsel for the petitioner on 04.01.2019 as per the endorsement therein. It is the specific case of the respondent Department in its reply that the due amount payable to the workers, who were engaged in MNREGA Scheme, has been credited to their account. All details in that regard have been duly given in the accompanying Annexure R-1. A perusal of the said annexure shows that the allegations levelled by the petitioners in the present petition were looked into and a report was furnished. Enquiry of the MNREGA workers was got conducted through the authorities concerned and it was found that the payments have already been disbursed as per the provisions of the MNREG Act, 2005 to the persons who had been engaged in the said scheme and Job Cards have also been issued to them. Their bank account details have also been enclosed. Qua the remaining persons, it has been stated that the said persons had not executed any work under the MNREGA Scheme. Consequently, no payment was due to them.

No rejoinder to the aforesaid statement has been filed despite lapse of substantive period of time. The factual aspect relied upon by the respondent Department has thus remained uncontroverted. Accordingly, this Court has no option but to assume that the grievance of the petitioners has been redressed and there is no subsisting cause of action.

The present petition is accordingly, disposed of as having been rendered infructuous.

Liberty is, however, granted to the petitioners to seek revival of the present petition in case, the factual matrix as contained in the response filed by the respondents No.5 is established to be incorrect.

Disposed of accordingly.

28.10.2022
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*