

06.02.2023
Sl. No.23(ML)
srm

W.P.A. No. 1224 of 2023

Md. Parvej Alam

Versus

The State of West Bengal & Ors.

Mr. Saiful Alam

....for the Petitioner.

Mr. Syed Nasirul Hossain

...for the State-respondents.

Mr. Santimay Bhattacharyya,

Mr. Ziaul Haque,

Mr. Himadri Kumar Mahata,

Mr. Manish Kumar Das,

Mr. Kartik Das

...for the Respondent Nos.3 & 4.

As per the written instructions given by the Executive Officer, Md. Bazar Panchayat Samiti, Birbhum, the Department of Paschimanchal Unnayan Parshad is the appropriate authority to release the funds for payment to the petitioner. The petitioner had completed the work allotted under a tender and completion certificate was also given by the Md. Bazar Panchayat Samiti, which is annexed to the writ petition.

The learned Advocate for the Md. Bazar Panchayat Samiti submits that the Executive Officer of the panchayat samiti had requested the District Magistrate, Birbhum time

and again for release of fund, so that the payment could be made to the petitioner. Admittedly, such fund has not been released as yet.

Learned Advocate for the State-respondents submits that the competent authority of the of the Paschimanchal Unnayan Parshad has to release the fund so that the disbursement can be made in favour of the petitioner in accordance with law on the basis of the completion certificate given by the Executive Officer, Md. Bazar Panchayat Samiti.

The District Magistrate, Birbhum shall take initiative to ensure that the Paschimanchal Unnayan Parshad releases the fund as directed here, so that payment can be made to the petitioner in accordance with law. A hearing shall be given to all concerned.

If it is found that the contentions of the petitioner are not correct, in that event the authority shall disclose the reasons for not acceding to the claim of the petitioner. If it is found that the contentions of the petitioner are correct, and the panchayat samiti was satisfied with the work of the petitioner, in that event payment shall be made in accordance with law.

A reasoned order, in either case, shall be passed and communicated to all by the District Magistrate.

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

This Court has not gone into the merits of claims of the petitioner.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)