

21.03.2023
Court No. 19
Item 54 (ML)
CP

WPA No. 3830 of 2023

Manik Chand Bhakat
Vs.
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty

....for the petitioner.

Ms. Sima Adhikari
Ms. Kakali Naskar

....for the State.

Mr. Santimay Bhattacharyya
Mr. Ziaul Haque
Mr. Himadri Sekhar Mahata

....for the respondent nos. 3 & 4.

The petitioner claims that the Executive Officer and/or the concerned monitoring authority of the Md. Bazar Panchayat Samiti has not issued any completion certificate in favour of the petitioner, although the work had been completed within the stipulated time and to the satisfaction of the authority. According to the petitioner, unless the Executive Officer or the competent authority grants the completion certificate, the petitioner is not in a position to claim the amount of Rs.4,24,331/- from the authorities. The petitioner has already filed the final bill in the office of the panchayat samiti.

Paschimanchal Unnayan Affairs Department has forwarded certain documents received from the District Magistrate, Birbhum. From the said documents it appears that the Executive Officer, Md. Bazar Panchayat Samiti had requested for release of the funds for payment to be made to the contractors who had completed the works, including the petitioner. Thus, even if the completion certificate is not in the records, the Executive Officer has already stated that the work had been completed on the basis of the tender which had been floated. The payment could not be made because there was lack of funds. The appropriate authority has been approached for disbursement of funds.

It is the contention of the petitioner that the work had been completed and the bills were correctly raised and approved, such factual issue is not to be decided by the court. The Principal Secretary, Paschimanchal Unnayan Affairs Department is the appropriate authority to release the funds for payment to the petitioner in case the District Magistrate is satisfied after obtaining report from the concerned panchayat samiti that the work had been completed according to the tender. The completion certificate is no longer relevant as the panchayat samiti accepts that the work had been completed.

Under such circumstances, the petitioner is at liberty to approach the Principal Secretary, Paschimanchal Unnayan Affairs Department with his grievances.

The Principal Secretary, Paschimanchal Unnayan Affairs Department shall hear the learned advocate for the petitioner who shall be entitled to appear before the authority. A responsible officer of the panchayat samiti and a responsible officer from the office of the District Magistrate shall also be heard. Necessary orders will be passed.

If the petitioner is found eligible for payment, the same shall be released in accordance with law. If the petitioner is found ineligible for the payment, the reasons shall be assigned in the order. A reasoned order shall be passed and communicated to all.

This court has not gone into the correctness of the claim of the petitioner.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of the representation of the petitioner.

This writ petition is disposed of.

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

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

(Shampa Sarkar, J.)