

21.03.2023
Court No. 19
Item 56 (ML)
CP

WPA No. 3839 of 2023

Anima Mondal
Vs.
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty

....for the petitioner.

Mr. Lalit Mohan Mahata
Mr. P. B. Mahata

....for the State.

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

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

The petitioner claims that despite certain works having been completed, under work orders issued by the Executive Officer, Md. Bazar Panchayat Samiti, a payment of Rs.11,94,103/- has not been released by the concerned authority. The petitioner submits that as the completion certificate has not been issued, the payment is not being released.

The Special Secretary, Paschimanchal Unnayan Affairs Department has submitted a bunch of documents prepared by the District Magistrate, Birbhum. It appears that the Executive Officer had admitted that the work had been completed by the petitioner and had already requested the higher

authority for release of funds so that payment could be made.

The panchayat samiti submits that the petitioner is entitled to the payment. Thus, even if the completion certificate has not been issued, there is no reason why the payment should not be disbursed in favour of the petitioner on the basis of the submissions made before the court and on the basis of the documents filed.

Although 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 petitioners upon being satisfied after obtaining report from the concerned panchayat samiti that the work had been completed according to the tender.

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.)