

21.03.2023
Court No. 19
Item 57 (ML)
CP

WPA No. 3842 of 2023

Nur Iman Shaikh
Vs.
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty

....for the petitioner.

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

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

None appears on behalf of the State respondents.

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.7,35,692/- has not been made by the concerned authority.

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. The

concerned panchayat samiti submits that the work had been completed according to the tender.

Although the completion certificate had not been issued, the specific contention of the learned advocate for the panchayat samiti is that the work had been completed and necessary request had been made to the Secretary, Paschimanchal Unnayan Affairs Department. 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 from the office 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.)