

March 28, 2023
AD 10
Court No.1
SG

WPA(P) 76 of 2023

Abu Tahir
vs.
The State of West Bengal and others

Md. Nauroz Rahber,
Md. Muhammad Jawwad, Advocates
... for the petitioner.

Mr. Jahar Lal De,
Mr. Rudranil De, Advocates
... for the State.

In this public interest petition, the allegations are in respect of defalcation of funds under the various Schemes of MGNREGA as also under 14th and 15th Finance Commission.

Learned counsel for petitioner has submitted that the defalcation has been done by respondent No.17. He has pointed out the funds which were allotted under MGNREGA Schemes and has also referred to various documents in support of the plea taken in paragraph 13 of the petition that respondent No.7 had sanctioned huge amount of money to his near and dear ones and closed relatives. He has further submitted that the money received under 14th and 15th Finance Commission for development work in the village has been misappropriated and no work has been done.

The record reflects that the petitioner has already filed representation dated 15.09.2022 before concerned authorities including respondent No.4, District

Magistrate, Uttar Dinajpur. The said representation has not been considered till now. In that representation the defalcation has been disclosed. The allegations made by the petitioner require factual inquiry.

We are of the view that respondent No.4, concerned District Magistrate should examine the entire issue. As the serious allegations of defalcation are made, therefore opportunity of hearing will be given to all the concerned parties. The petitioner will be at liberty to submit additional documents before respondent No.4 in support of his allegations. Respondent No.4 will examine each of the allegations which have been made in the representation and give his findings in respect thereof. If any defalcation of money by respondent No.17 or any authority is found, respondent No.4 will ensure expeditious appropriate action against the said authority in accordance with law.

Let the above exercise be completed within a period of 3 months from the date of receipt of a copy of this order.

Accordingly, the petition is disposed of.

[Prakash Shrivastava, C.J.]

[Rajarshi Bharadwaj, J.]