

Item No.24
04.04.2023
Court. No. 19
GB

WPA 7892 of 2023

M/s. Saha Construction
Vs
The State of West Bengal & Ors.

Mr. Srikanta Datta

...for the Petitioner.

*Mr. Asish Kumar Guha,
Mr. Jayak Kumar Gupta*

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner has challenged cancellation of a work order. The work order was cancelled by a letter dated January 27, 2023 issued by the Prahdan of Hili Gram Panchayat. The ground for cancellation is that the petitioner's father is a sitting member of the gram panchayat. Complaints were lodged by other bidders, which led to such decision.

The Court does not find any illegality in the decision, inasmuch as, the law prohibits any member or a relative of a member or any person connected with such member, from participating in any tender process floated by a gram panchayat.

Accordingly, the writ petition is disposed of without any order. Rule 17(4)(c) of the West Bengal Panchayat (Accounts, Audit and Budget) Rules, 2007 provides that no member or employee of a gram panchayat shall directly or indirectly participate in a bidding process or execution of work as a contractor or sub-contractor.

The petitioner is the son of the Upa-Pradhan and as such, he was disqualified as per the rules.

The petitioner alleges that similar situations have occurred where relatives of sitting members have been issued work orders. There is no scope for adjudication of the said dispute in this writ petition. However, the petitioner is at liberty to approach the competent authority at the appropriate stage, if any such irregularity occurs in future.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)