

30.01.2023
Sl. No.507(ML)
srm

W.P.A. No. 8759 of 2022

Bijon Bihari Maji

Versus

The State of West Bengal & Ors.

Mr. Arup Krishna Das

....for the Petitioner.

Despite service, none appears on behalf of the respondents. Affidavit-of-service is taken on record.

The petitioner claims that a work order had been issued to the petitioner as per a Notice Inviting Tender. The petitioner claims to have completed the work. Reliance has been placed on the first and final bill, which is Annexure P-5 to the writ petition. It appears that the Junior Engineer (RWP), Jamuria Development Block had verified such bill and certified that the amount of Rs.2,09,109/- should be paid to the petitioner. The executive officer of the panchayat samiti also endorsed the final bill and the certificate.

As the matter is now pending before the District Magistrate, Paschim Bardhaman. This writ petition is disposed of with a direction upon the District Magistrate, Paschim Bardhaman to treat the writ petition as a

representation of the petitioner and dispose of the same in accordance with law.

The petitioner and the Executive Officer or the representative of the Jamuria Panchayat Samity shall be heard. A reasoned order shall be passed and communicated to all.

The said authority shall ensure that the payment is made to the petitioner in accordance with law in terms of the certificate given before the final bill. If there are reasons to deny such payment apart from paucity of fund, such reasons shall be disclosed in the order. If the delay in payment is only due to paucity of funds, then the District Magistrate shall ensure that the funds are mobilized and the payment is released in favour of the petitioner.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

A copy of the writ petition along with a server copy of this order be served upon the District Magistrate, Paschim Bardhaman.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)