

May 15, 2023
Sl. No.18
Court No.19
s.biswas

WPA 10638 of 2023

Asit Biswas

vs.

The State of West Bengal and others

Mr. Asraf Mandal

... for the petitioner

Mr. Asish Guha

Mr. Joyak Gupta

... for the State

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

The petitioner claims that the bills raised by the petitioner pursuant to the completion of the work of construction of black top road from Rath Tala Dairy Milk Farm towards Khepa Bat Tala at Rour Bill Colony under Rahamatpur Gram Panchayat under Karimpur-II Development Block, had neither been processed nor paid.

Mr. Guha, learned advocate appearing for the State, has submitted a statement from the Block Development Officer, Karimpur-II Development Block who is also the Executive Officer of the Karimpur-II Panchayat Samiti.

It appears that the work was successfully completed and the bills were submitted to the Treasury on March 30, 2020. Objections were raised by the Treasury Officer and the bills could not be resubmitted due to technical glitches in the portal. The Executive Officer could not draw the funds as the money was surrendered. The period for

utilization of the funds lapsed on March 31, 2020 as per IFMS system regulation. The matter was then informed to the district authority and a letter for reallocation of the fund was sent to the Additional District Magistrate (LR & RR), Nadia on at least five occasions. The amount of Rs.39,72,650/- which was allotted for the infrastructural development in the refugee colony, was surrendered due to lapse of time and the money payable to the petitioner could not be disbursed due to non-availability of fund.

The letters written to the Additional District Magistrate (LR & RR), Nadia have been annexed to the statement of facts. It appears that the money was surrendered as the period within which the amount should have been utilized by the Executive Officer, had lapsed. Due to technical reasons in the IFMS system the money could not be drawn.

The bill of the petitioner was prepared and submitted electronically before the Treasury on March 30, 2020, is admitted. The Treasury Officer objected to the bill. The same could not be resubmitted due to technical problems and the amount could not be withdrawn. Subsequently, the fund was surrendered due to lapse of time as the utilization certificate of the fund could not be given within the validity period.

From the above statement it is clear that the petitioner had completed the work successfully and the bill was approved and deposited. The same was submitted before the Treasury Officer. The Treasury Officer raised some objections and the bills could not be resubmitted due to technical problems.

If the petitioner was not responsible for such technical problem and had completed the work, which was approved by the authority or partially approved by the authority, then the petitioner should be paid the amount which was approved.

Under such circumstances, the writ petition is disposed of with a direction upon the Additional District Magistrate (LR & RR), Nadia to reallocate the fund for onward payment to the petitioner by the Block Development Officer, Karimpur-II Development Block within a period of six weeks from date of communication of this order.

It is made clear that when a citizen had successfully completed the work, the money should be paid. The statement of the authority responsible for implementation of such work/project, indicates that the work was successfully completed. Thus, payment should be released expeditiously without depriving a citizen of his rightful claim. The technical problems which may have arisen and the surrender of the entire money due to lapse of time for filing the

utilization certificate, cannot stand in the way. The reallocation of the funds must be made as per the direction of the court and the petitioner must be paid the amount to which he was rightfully entitled.

Accordingly, the writ petition is disposed of.

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.)