

Item No.7
25.04.2023
Court. No. 19
GB

WPA 16314 of 2022

Amit Kumar Mandal
Vs
The State of West Bengal & Ors.

*Mr. Sabir Ahmed,
Mr. Abdur Rakib,
Mr. Biswajit Sarkar,
Ms. Suman Biswas*

...for the Petitioner.

*Sk. Md. Galib,
Ms. Syotsna Roy*

...for the State.

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

The petitioner alleges that although certain works had been completed as per the work orders allotted to the petitioner pursuant to the tenders floated by the Mahananda Tola Gram Panchayat, the payments for such works have not been made. It is submitted that such works were executed under the MGNREGS and the panchayat authorities had uploaded the bills in the portal.

Pursuant to such action, the Central Government has also released the funds. Reference is made to Pages 48 and 49 of the writ petition which allegedly gives the transaction details about the money received from the Ministry of Rural Development, Government of India. The petitioner submits that although money had been sent by the Central Government, the panchayat authorities did not release the same in favour of the petitioner.

The disputed question as to whether the works were completed in accordance with the work orders and/or to the satisfaction of the authorities, cannot be gone into by this Court. Thus, this Court is of the view that the representation of the petitioner made through his learned advocate dated March 21, 2022 being Annexure-P/4 at Page 51 of the writ petition must be disposed of by the District Magistrate, who is in overall charge of implementation of all schemes under MGNREGS. Such representation shall be considered upon giving an opportunity of hearing to the petitioner, as also the Block Development Officer, Ratua-I Development Block and the Pradhan of Mahananda Tola Gram Panchayat. A reasoned order shall be passed and communicated to all concerned. If the contention of the petitioner is found to be correct and the petitioner is found otherwise eligible for payment, the payment shall be released. If the petitioner's claim cannot be permitted either wholly or partially, reasons shall be disclosed.

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

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.)