

02.05.2023
Sl. No.6(DL)
srm

W.P.A. No. 17139 of 2022

Mizanur Rahaman

Vs.

The State of West Bengal & Ors.

Mrs. Susmita Saha Dutta,
Mr. Niladri Saha,
Ms. Madhurima Basu

....for the Petitioner.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kumar De,
Ms. Ankita Mukherjee

...for the State-respondents.

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

The petitioner submits that a work order had been issued in favour of the petitioner on February 26, 2018 for supply of materials for installation of tube wells to various Sansads of Sirshi Gram Panchayat, Dakshin Dinajpur. The project was under the 14th Finance Commission.

Reliance has been placed on the final bills submitted before the panchayat authorities. Some documents have been annexed to indicate that materials were supplied. The documents bare the seal and signature of the erstwhile Pradhan of Sirshi Gram Panchayat. The petitioner submits

that as a criminal proceeding had been pending against the erstwhile Pradhan at the relevant point of time, the payments were not released. Records of the Court and a judgment have been annexed, from which it appears that the Pradhan was acquitted from the charges, subsequently.

The issue is whether the petitioner is entitled to be paid the amount claimed by the petitioner for the materials which had been supplied to the gram panchayat.

There is no dispute that the work order had been issued in favour of the petitioner. Certain documents have been annexed which indicate that some materials had been supplied to the gram panchayat. Whether all the materials as per the work order had been supplied by the petitioner or not, cannot be decided by this Court. The question of payment of final bill would only arise when the petitioner satisfies the authority that the materials in terms of the work order had been supplied, upon maintaining the specifications therein.

Under such circumstances, the writ petition is disposed of with a direction upon the Pradhan of Sirshi Gram Panchayat, Dakshin Dinajpur, to look into the matter and dispose of the representation of the petitioner dated November 16, 2018, in accordance with law. The petitioner will be allowed to appear at a hearing to be held by the

gram panchayat. Necessary documents in support of the claim, shall be produced. The gram panchayat authorities shall take a decision and a reasoned order shall be passed, in accordance with law.

If the petitioner is found eligible for payment of Rs.6,94,662/-, as claimed, necessary orders shall be passed and disbursement shall be made. If the petitioner is found ineligible for the entire amount or part of the amount, reasons shall be assigned in the order to be passed by the gram panchayat.

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

The Court has not gone into the merits of the claims of the petitioner.

A copy of the writ petition, along with a server copy of this order be served upon the Secretary, Sirshi Gram Panchayat, Dakshin Dinajpur.

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.)