

Item No. 7
16.02.2023
Court. No. 19
GB

WPCRC 186 of 2022

The Court in its own motion
Vs.
The Pradhan, Nagendrapur Gram Panchayat

Arising out of

W.P.A. 6138 of 2022

Sampreeti Mohila Sonirvor Gosthi & Anr.
VS
The State of West Bengal & Ors.

Mr. Pankaj Halder,
Mr. Sanatan Panja,
Mr. Tapas Manna

...for the Petitioners.

Mr. Santanu Kumar Mitra,
Ms. Jyotsna Roy Mukherjee

...for the State.

Mr. Soumya Banerjee,
Ms. Sucheta Banerjee

...for the Respondent No.4.

As the rule has been discharged, WPCRC 186 of 2022
is dropped.

Both the panchayat authorities and the Block Development Officer have evaded their responsibility to pay the admitted dues of the petitioners. Although, the Block Development Officer has repeatedly issued letters asking the Pradhan of Nagendrapur gram panchayat to make the payment, it is the specific contention of the Pradhan that the FTO could not be generated as the link/portal has been closed and the scheme had been discontinued.

Surprisingly, if the scheme was discontinued and the portal had closed, leaving the Pradhan unable to generate the

FTO, the reason why the Block Development Officer continuously issued letters upon the Pradhan to make payment, is not clear to the Court. If the Block Development Officer is trying to absolve himself from the responsibility of ensuring that the payment is made to the petitioners under the MGNREGA scheme, by imposing the entire liability on the gram panchayat, that would be a serious dereliction of duty.

The Nirman Sahayak and the Pradhan are both present in court. The Nirman Sahayak has personally been questioned by the Court and he has submitted that the work was completed by the petitioners and he had recommended payment. The Pradhan has submitted that as the FTO could not be generated due to lapse of the scheme, she was not able to process the payment. The money was to come from the Block Development Office, but the same was not transmitted. She also has categorically submitted and her statements have also been seconded by the Nirman Sahayak that the Executive Assistant refused to sign the document, and as such, the FTO could not be generated when the scheme was alive.

Now, the question is how the payment should be released as all the parties before the Court are ad idem on one point that the petitioners deserve to be paid for the work done and the articles supplied. The Nirman Sahayak has personally submitted before the Court that the saplings which were supplied by the petitioners had reached the beneficiaries.

As the FTO could not be generated within the time when the scheme was alive, the Block Development Officer has to ensure that the money is released to the gram panchayat if not already done earlier, so that payment can be made to the petitioners. If the amount claimed by the petitioner had been transmitted to the gram panchayat, in that event, such money has to be paid by the gram panchayat. The Block Development Officer shall file a report indicating whether the money had already been given to the gram panchayat for payment to the petitioners.

A comprehensive report be filed by the Block Development Officer on the next date. Irrespective of digitization of the scheme and the complications arising with regard to generating FTOs, payment details, vouchers, advises for payment etc., the Court is of the view that payment for the work done by the petitioners, has to be made.

Let this matter appear on March 23, 2023 under the same heading when necessary report and the steps taken for release of payment, shall be filed before the Court by the Pradhan and the Block Development Officer.

(Shampa Sarkar, J.)