

09.01.2023
Sl. No.34(DL)
CP

W.P.A. No. 29097 of 2022

Dipak Kumar Maji

Versus

The State of West Bengal & Ors.

Mr. Gazi Faruque Hossain,
Mrs. Chandra Paul,
Ms. Priyanka Mandal

....for the Petitioner.

Mr. Malay Singh,
Ms. Neelam Singh

...for the State-respondents.

Affidavit-of-service is taken on record. Despite service, none appears on behalf of the Paschim Bardhaman Zilla Parishad.

The writ petition is disposed of with a direction upon the competent authority of the Paschim Bardhaman Zilla Parishad to treat the writ petition as the representation of the petitioner and dispose of the same in accordance with law.

It is an admitted position that two work orders were issued in favour of the petitioner on February 4, 2016 and February 29, 2016 for repair of Ethora Lalganj Road and repair of the road from Nuni Sub Health Centre to Bhaskajuri respectively. At the time of issuance of the work orders, the district of Burdwan had not been bifurcated.

It has been categorically stated that part payment of Rs.8,25,000/- for the first work order and Rs.1,50,000/- for the second work order were disbursed from the office of the Bardhaman Zilla Parishad on different dates. After bifurcation of the district of Burdwan, further sum of Rs.9,33,328/- was also received. It is alleged that an amount of Rs.5,59,997/- and security deposit of Rs.81,011/- are still payable by the Paschim Bardhaman Zilla Parishad in respect of the first work order. Another amount of Rs.85,467/- for the second work order also remains unpaid.

Such claim of the petitioner shall be decided in accordance with law. If the claim is found to be genuine and admissible, a reasoned order shall be passed to that effect and the payment shall be released in accordance with law. If the claims of the petitioner are found to be inadmissible, reasons for such finding shall be disclosed in the reasoned order. The order so passed, in either case, shall be communicated.

The entire exercise shall be completed within a period of two months from the date of receipt of the copy of the writ petition along with a server copy of this order.

This Court has not gone into the merits of the claim of the petitioner.

This order is being passed upon the Sabhadhipati, Paschim Bardhaman Zilla Parishad as the work was executed within the jurisdiction of the concerned zilla parishad.

A copy of the writ petition along with a server copy of this order be served upon the Sabhadhipati, Paschim Bardhaman Zilla Parishad.

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.)