

Item No.9
13.01.2026
Court. No. 2
SKG/CP

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI*

WPA 653 of 2025

Brajagopal Saha
VS
The State of West Bengal & Ors.

*Mr. Subinay Dey,
Mr. Debanjan Das*

...for the Petitioner.

*Mr. Hirak Barman,
Mr. Sandip Guha Roy*

...for the State.

1. Mihir Karmakar, the erstwhile Block Development Officer of Kumargram Development Block has been added as a respondent.
2. Despite service, none appears on behalf of the added respondent.
3. The petitioner is aggrieved by non-payment of his claims pursuant to a work order which was issued by the said Mihir Karmakar, the then Block Development Officer, Kumargram Development Block.
4. It is submitted that a sum of Rs.21,29,050/- is payable to the petitioner. The records do not reveal that the petitioner was issued any completion certificate by the concerned authority. However, a document dated January 17, 2024 which is a letter requiring funds for payment to the contractors

under the Pathasree scheme of 2023 was issued by the said Block Development Officer to the Additional District Magistrate, Zilla Parishad, Alipurduar with the remark that the work had been completed. The petitioner requested for such completion certificate on June 24, 2024. The work order dated June 8, 2023 has been annexed to the writ petition which indicates that the petitioner was awarded the work of construction of Bituminous road from Montala to the house of Mongol Paul at Part No.10/96.97,92 of Volka Barobisha No.-I Gram Panchayat within Kumargram Development Block.

5. The petitioner had filed a writ petition being WPA 1466 of 2024, alleging non-payment. The writ petition was disposed of with a liberty to the petitioner to make a representation for release of his legitimate dues from the Block Development Officer of Kumargram Development Block within a period of two weeks from the date of the order. The Block Development Officer of Kumargram Development Block was directed to consider the issue within a period of three months.
6. Pursuant to the direction of the Court, an order was passed by the then Block Development Officer of Kumargram Development Block dated February 18, 2025. The order indicates that as there was no proof of any documentary evidence available from

the office showing that administrative and financial approval had been obtained from the competent authority by Sri Mihir Karmakar, the money could not be disbursed to the petitioner. The matter was referred to the District Magistrate, Alipurduar for necessary action. The order records that Mihir Karmakar was asked to submit the vetted plan and estimate of the scheme. The scheme and the plan vetted by the Executive Engineer, Alipurduar Zilla Parishad was submitted and the e-tender was floated by then Block Development Officer. The petitioner was the lowest bidder for the aforementioned work and the work order was issued without any approval from the competent authority. The District Magistrate was also asked to file a report which has been filed before this Court.

7. It appears from the report that Mihir Karmakar, the Block Development Officer of Kumargram Development Block had floated a tender and issued a work order for construction of the Bituminous road under the Pathasree Scheme at an estimated cost of Rs.21,26,920.95/-, without following the due administrative process. From the official records it appeared that the work was awarded suo motu, by Mihir Karmakar without obtaining either administrative or financial approval from the competent authority which was a mandatory

requirement under the existing government norms and regulations.

8. The office memorandum dated June 1, 2023 issued by the office of the District Magistrate and referred to in the report of the BDO, Kumargram clearly stipulated that the BDO was required to prepare a vetted plan and estimate of the scheme. The scheme was also required to be included in the Annual Action Plan by maintaining the procedural formalities for implementation thereof upon receipt of administrative and financial approval. However, in contravention to the said directives contained in memorandum dated June 1, 2023, the work order was issued. The scheme was neither included in the Annual Action Plan nor did it receive any administrative and financial approval before the work commenced. It is further contended by the District Magistrate that the Standard Operating procedure laid down by the Panchayat and Rural Development Department made it mandatory that all projects were to be registered on RR MS portal with a valid Lot and Serial Number before any work could be undertaken. The work under reference failed to meet these essential preconditions. Execution of the alleged work was done without prior approval and registration which was a gross violation of the West Bengal Financial Rules, particularly, the

finance departments Memo number 2131-F(Y) dated April 5, 2019. It was also contrary to the departmental guidelines. On account of such procedural irregularities the District Magistrate and Executive officer of Alipurduar Zilla Parisad was not in a position to allocate or release funds for the work which was allegedly completed by the petitioner.

9. The report of the District Magistrate also indicates that an enquiry has been initiated to ascertain the circumstances under which such an unauthorized execution took place and to fix the responsibility upon the concerned officer. The memo dated June 1, 2023, which is in the nature of instructions clearly stated that the scheme should be included in the Annual Action Plan by maintaining due procedure. Such document has been annexed to the report as Annexure R-1. Along with the said report the procedure for administrative approval and technical sanction has also been provided. The memorandum dated April 5, 2019, issued by the Government of West Bengal, Finance Department, Audit Branch, bearing No. 2131-F(Y), with regard to Administrative and Financial Sanction Module in IFMS has also been annexed. The same contains the procedural formalities to be complied with while taking administrative and financial approval.

10. The District Magistrate was furnished with a report from the ADM and AEO, Alipurduar Zilla Parishad on the issue. It appears from said report that the AEO, Alipurduar asked the Block Development Officer, Kumargram to submit some essential documents relating to the work, namely, authenticated approval of Pathashree Scheme through RRMS Portal, copy of the vetted plan and estimate, copy of the work orders, work completion certificate and photograph of the work during various stages. The said documents had not been submitted by the Block Development Officer, Kumargram and as such, it was not possible to refer the matter to the Department of Panchayat and Rural Development, West Bengal for fund requisition. Rather, Mihir Karmakar had submitted a letter dated September 30, 2024 to the District Magistrate, Alipurduar, seeking fund and admitting that no administrative approval against the scheme had been obtained.

11. Considering the abovementioned facts, this court is not in a position to hold that the petitioner is rightfully entitled to the money as claimed. The District Magistrate has already initiated an enquiry. The said enquiry shall be reached to its logical conclusion and if it is found that Mihir Karmamar, the erstwhile Block Development Officer was involved in any kind of misconduct in collusion with

the petitioner or persons who issued such work orders, steps shall be taken in accordance with law.

12. If the involvement of the petitioner or any other person is also detected in the process, necessary steps may also be taken.

13. The issue of refund of the earnest money to the petitioner shall be decided by the concerned Block Development Officer within three weeks from date.

14. Accordingly, the writ petition is disposed of.

15. However, there will be no order as to costs.

16. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)