

26.09.2024
Item Nos.4-7
gd/ssd

WPA(P)/237/2023
PASCHIM BANGA KHET MAZDOOR SAMITY AND
ANR.

VS
UNION OF INDIA AND ORS.

with
WPA(P)/376/2024
DEBABRATA GHOSH AND ORS.

VS
THE STATE OF WEST BENGAL AND ORS.

with
WPA(P)/157/2024
RANA SK AND ANR.

VS
THE STATE OF WEST BENGAL AND ORS.

with
WPA(P)/555/2022
SUVENDU ADHIKARI

VS
STATE OF WEST BENGAL AND ORS.

Mr. Bikash Ranjan Bhattacharya, ld. Sr. Adv.,
Mr. Purbayan Chakraborty,
Mr. Kuntal Banerjee
..for the Petitioners in
WPA(P)/237/2023.

Mr. Debashis Banerjee,
Mr. Kartik Kumar Ray,
Mr. Rakesh Jana
..for the Petitioners in
WPA(P)/376/2024.

Mr. Samim Ahammed,
Ms. Ambiya Khatun
..for the Petitioners in
WPA(P)/157/2024.

Mr. Soumya Majumder,
Mr. Anish Kumar Mukherjee,
Mr. Suryaneel Das,
Mr. Chiranjit Pal,
Mr. Tomoghna Pramanick
..for the Petitioner in
WPA(P)/555/2022.

Mr. Kumar Jyoti Tiwari,
Mr. Arijit Majumdar

..for the Union of India in

WPA(P)/237/2023.

Mr. Asok Kumar Chakraborti, learned ASGI,
Mr. Tirtha Pati Acharya

..for the Union of India in
WPA(P)/555/2022.

Mr. Kishore Datta, Id. Advocate General,
Mr. Jahar Lal De,
Mr. Piyush Agarwal,
Mr. Supratim Dhar,
Ms. Shrivalli Kajaria,
Mr. Debojyoti Das

..for the State.

Mr. Dhiraj Trivedi, Id.DSGI,

..for CBI.

Md. Nauroz Rahber,
Mr. Firdous Jaman

..for the Respondent No.6 in
WPA(P)/376/2024.

Mr. Suman Basu

..for the Respondent No.6 in
WPA(P)/555/2022.

1. In terms of the order dated 18.04.2024 the Chief Secretary of the Government of West Bengal was directed to nominate a Nodal Officer who was required to coordinate of the meetings of the committee and there was also a direction for a report to be filed as regards the progress of the matter.

2. The learned Advocate General appearing for the State submitted that on the next hearing date a report will be filed by the Nodal Officer after taking appropriate instructions from the committee.

3. Let the same be done by the next hearing date.

4. The learned senior advocate appearing for the petitioner in WPA(P)/237/2023 submitted that this court in its order dated 06.06.2023 has recorded one of the prayers in the writ petition wherein they sought for a direction upon the 2nd respondent to immediately start the implementation of the Schemes under MGNREGA within the State of West Bengal upon due sanction of funds as required by law.

5. It is the submission that for nearly two years no jobs have been allotted, as a result of which, the people are suffering.

6. The learned Advocate General seeks time to get specific instruction in this regard.

7. It needs to be pointed out that the implementation of the Scheme cannot be withheld for the reason that an enquiry is being done with regard to the payments made to the certain beneficiaries which is now being enquired into as regards any irregularity or illegality.

8. Therefore, the respondent State shall clearly understand the dichotomy. Past actions have been enquired into and the same will be taken into the logical end but in the meantime, the provision of the scheme should be implemented as it is for the welfare

of the public, more particularly the persons who are within the State of West Bengal.

9. The learned Advocate General is directed to get appropriate instructions from the competent authority in this regard and the report shall be filed in the form of affidavit by the said authority.

10. The learned advocate appearing for the State in WPA(P)/376/2024 and WPA(P)/157/2024 submits that the papers in the writ petition have not been served.

11. The learned advocate for the petitioners disputes such submission.

12. In any event soft copies of the writ petition along with the annexures be served on the learned advocate appearing for the State in both the writ petitions.

13. The learned advocate appearing for the Prodhan/private respondent in WPA(P)/376/2024 submitted that the documents which were furnished by the petitioners have not been annexed in the writ petition.

14. We grant leave to the Prodhan/private respondent to file a compilation containing all the relevant documents which they propose to rely upon.

15. Leave is granted to the respondents to file their affidavit-in-opposition, if they so desire.

16. The above directions be complied with on the next hearing date which we will assign sometime in November, 2024.

17. However, only with regard to the aspect as to whether jobs have been provided or not as per the scheme, the learned Advocate General is directed to get appropriate instructions and report before this court.

18. List WPA(P)/237/2023 alone on 3rd October, 2024 under the same caption. The remaining matters will be listed on 14th November, 2024.

(T. S. SIVAGNAM)
CHIEF JUSTICE

(BIVAS PATTANAYAK, J.)