

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6482 of 2021

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Bangali Prasad Son of Gujraj Prasad Resident of village- Khap Maksudpur,
Police Station- Jadopur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Rural Development Department , Govt. of Bihar,
Patna
3. The District Magistrate, Gopalganj
4. The Deputy Development Commissioner, Gopalganj
5. The District Programme Coordinator, Mahatma Gandhi National Rural
Employment Guarantee Yojana, Gopalganj
6. The Block Programme Officer, MNREGA, Sadar Gopalganj Block,
Gopalganj

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr.Vinay Kirti Singh (GA-2)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date : 01-02-2022

This matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

2. The petitioner has asserted that he was the elected member of Panchayat Samiti of Kathagharwa block in the District of Gopalganj between the period 2006 to 2011. In that capacity, he functioned as a Block Development Coordinator to execute and complete plan by providing employment to



unskilled rural workers under the Schemes framed under Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA for short). It is his assertion that various schemes under the Act were completed in the years 2009-10, 2010-11, 2011-12 and 2012-13 for developments in rural areas, but despite completion of the work, payments were not made in various districts in the State of Bihar. The petitioner has further asserted that four schemes were allotted to the petitioner in his concerned block under MGNREGA being Plan No. 52/2010-11, 66/2010-11, 69/2010-11 and 73/2010-11. For work No 52/2010-11, out of estimated cost of Rs. 4,26,700/-, Rs. 1,69,250/- remained unpaid despite completion of work as per the measurement book. The total dues, according to the petitioner, is, however, Rs. 3,02,006/- against the said work No. 54/2010-11.

3. In response to a query made by this Court regarding the variance of dues, based on the work as per the measurement book on the one hand and the total dues as claimed by the petitioner, learned counsel appearing on behalf of the petitioner has submitted that actual dues against work No. 54/2010-11 is Rs. 3,02,006/- but as per measurement book a sum of Rs. 1,69,250/- is payable. Similar situation is there in respect of other works as mentioned in paragraph-8 of the application.



4. This writ application has been filed seeking a direction to the respondents to pay admitted dues of Rs. 9,93,810/- against the said works. It may be noted that the petitioner had earlier approached this court by filing a writ application giving rise to C.W.J.C. No. 4310 of 2015, which was disposed of by an order dated 29.04.2015 with the following directions:-

“In above view of the matter, this writ application is being disposed of with a liberty to the petitioner to approach the District Magistrate, Gopalganj, i.e., respondent no. 3, by filing a representation along with copies of all the relevant documents. In such case, let the District Magistrate, Gopalganj consider the matter of the petitioner and take a decision in accordance with law. If he finds that such amount or any amount is admittedly due and is to be paid to the petitioner then steps should be taken immediately for payment of the same preferably within eight weeks. In case he comes to the conclusion that no amount is required to be paid to the petitioner then he should pass a reasoned order and communicate the same to the petitioner. It is further made clear that if the District Magistrate, Gopalganj comes to the conclusion that the amount is due and admitted and still no payment is



made within the aforesaid period then such amount would carry simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment.”

5. In compliance of the said order dated 29.04.2015, the Deputy Development Commissioner, Gopalganj, has passed an order dated 28.12.2015, recording therein that there is no role of any contractor or intermediary in execution of MGNREGA schemes and the wages against work done is directly credited in the respective accounts of the labourers and the vendors too are paid directly. The Deputy Development Commissioner further recorded in his order that the role of the petitioner was confined to supervise the quality of the work being executed under the said scheme.

6. The said order dated 28.12.2015 has not been assailed by the petitioner. The petitioner had filed a contempt application before this Court giving rise to M.J.C. No. 3361 of 2015 alleging disobedience of this Court's order dated 29.04.2015 passed in C.W.J.C. No. 4310 of 2015. Taking into account the order dated 28.12.2015, already passed by the Deputy Development Commissioner, this Court disposed of the Contempt application by order dated 23.01.2019 with a liberty to the petitioner to raise the claim to the effect that the respondents



are under legal and moral obligation to extend the benefits to the labourers.

7. More than two years after the said order dated 23.01.2019, the petitioner has again filed the present writ application seeking a direction from this Court, as noted above. The petitioner is alternatively seeking direction that payments be made to the labourers, who had worked under the Scheme. A list containing names of the labourers has been brought on record by way of Annexure-1, who, according to the petitioner, had worked under MGNREGA schemes.

8. In response to a further query as to whether the petitioner is individually entitled to receive any amount out of the dues amount, as being claimed in the writ petition, learned counsel for the petitioner has submitted that this writ petition has been filed in the interest of the labourers who had worked but have not been paid their wages under the Scheme.

9. In our considered view, this application is vexatious, frivolous and lacks bonafide. The Deputy Development Commissioner, in his order dated 28.12.2015, has dealt in detail with the facts brought to his notice by the petitioner while rejecting the petitioner's claim. The petitioner's assertion that he is pursuing this case for the welfare of the labourers by filing the



present writ application, the previous writ application and contempt application, does not appear to be genuine. There is no statement made in the writ petition that it is being filed in representative capacity for those entitled to receive the amount.

10. For the aforesaid reason, this application is dismissed with a cost of Rs. 10,000/- to be deposited by the petitioner in the account of the Bihar State Legal Services Authority.

11. In the facts and circumstances of the case, the Court requests the Member Secretary, Bihar Legal Services Authority to take such steps as may be deemed fit and proper so that cause of the labourers, who have allegedly remained unpaid for the work done by them, is duly addressed at appropriate level. It is expected that the State Legal Services Authority shall take such possible measures as may be required to protect the interest of labourers, if any.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2022
Transmission Date	NA

