



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND TWENTY ONE

: PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
WRIT PETITION NO: 15564 OF 2021**

Between:

M Uday Kumar Naidu, S/o M.Thyagarajulu Naidu, age 38 years, Occ. Contractor and Cultivation, R/o D.No.11-61, Govandanagiri, Bangarupalyam, Chittoor District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by Principal Secretary, Panchayatraj and Rural Development, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
3. The District Collector, (Panchayatraj wing), Chittoor District at Chittoor.
4. The Executive Engineer, PRI Division, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Chittoor District at Chittoor.
5. The Bangaru Palyam Gram Panchayat, Rep. by its Special Officer - cum - Extension Officer, under Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Bangarupalem Mandal, Chittoor District.
6. The Union of India, Rep. by its Secretary, Rural Development Department, Government of India, Krishi Bhavan, Dr.Ralendra Prasad Road, New Delhi - 110001, INDIA.
7. The Director, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in non-compliance of FTR No. 8100519002101 and 8100519002102 dated 23-01-2020 in respect of work ID.No.107055731019080013, for the material supplied by the petitioner for laying the Pucca Internal Roads/Streets including drainage system and culverts at Bangaru Palyam of Bangarupalem Mandal, Chittoor District, as illegal, arbitrary, violation of principles of natural justice, contrary to the Rules and Regulations of the National Rural Employment Guarantee Act and consequently direct the respondents to comply with the FTR No. 8100519002101 and 8100519002102 dated 23-01-2020 in respect of work ID.No.107055731019080013

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondent to release the funds through a proper channel into the account of 5th respondent or any other concerned, pending disposal of WP 15564 of 2021, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI K V L NARASIMHA RAO Advocate for the Petitioner, GP FOR PANCHAYAT RAJ for the Respondent No.1 to 4, SRI VINOD K REDDY, Standing Counsel for Respondent No.5, SRI N.HARINATH Assistant Solicitor, the Court made the following.

ORDER:

“Heard learned counsel for the petitioner and the learned counsel appearing for the respondents.

This Writ Petition has been filed against the action of the respondents in not clearing the bills submitted by the petitioner after execution of works

pursuant to the agreement entered by him with the respondents and for non-payment of the amounts for which the petitioner is legitimately entitled.

It is brought to the notice of this Court by the learned counsel for the petitioner that the works executed by the petitioner under Mahatma Gandhi National Rural Employment Guarantee Scheme(MGNREGS)/Contract Works prior to 2019 and he submitted bills to the concerned officers, but till date payments are not made.

As per the scheme to make payments for material components, the Government of India has to contribute 75% and the State Government has to contribute 25%.

Sri N. Harinath, learned Assistant Solicitor General appearing on behalf of Government of India, filed an affidavit before this Court in which it is stated that they are releasing their share regularly to the State Government and the State Government has to make payments by adding 25% of State Government share to the works executed by the petitioner.

Learned Advocate General for the State submits that around 7,60,000 works executed during the period 2018-2019, the State Government is conducting enquiry and due to that reason, there is some delay in making payments. In all the cases, in which no enquiry is pending, they are taking steps to make payments.

Learned counsel for the petitioner submits that there is no dispute in respect of the work executed by the petitioner and the bill amount and no enquiry is pending against the petitioner.

Having regard to the rival contentions made by the respective counsel, this Court unable to understand why the petitioner is being deprived of without making payment for the works executed by him. After receipt of 75% of funds from the Government of India, it is the duty of the State Government to make payment for the execution of works after adding 25% of State share to the funds released by the Central Government as per the scheme.

In the considered opinion of this Court, withholding the amount for which the petitioner is legitimately entitled is nothing but depriving the petitioner. Due to illegal action of non-payment of the amounts promptly by clearing the bills submitted by the petitioner after execution of works, the petitioner could not feed and see the welfare of his family properly and he could not make payments to his employees/workers and he could not make payments to the material suppliers and he has to pay interests for the debts incurred by him for execution of works. Due to this situation, petitioner's respect and dignity in the society will be deteriorated. As such, the petitioner's right to life with respect and dignity will be defeated which is violative of Article 21 of the Constitution of India.

This Court by Order dated 23.08.2021 in W.P.No.19216 of 2020 (in the case of S. Srinivas v State of Andhra Pradesh and others) held that withholding the amount for which the petitioner is legally entitled, is illegal, arbitrary and unjust and violative of Article 21 of the Constitution of India.

Accordingly, there shall be interim direction to the respondents to clear the bills submitted by the petitioner for the works executed by him under Mahatma Gandhi National Rural Employment Guarantee scheme/Contract Works and make payment to the petitioner within a period of two weeks from today.

Post the Writ Petition after Two (02) Weeks."

Sd/-K.TataRao
ASSISTANT REGISTRAR
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Panchayatraj and Rural Development, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi.
2. The Commissioner, Panchayatraj and Rural Development, State of Andhra Pradesh, Nakkal Road, Suryaraopet, Vijayawada, Krishna District.
3. The District Collector, (Panchayatraj wing), Chittoor District at Chittoor.
4. The Executive Engineer, PRI Division, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Chittoor District at Chittoor.

5. The Special Officer - cum - Extension Officer, Bangaru Palyam Gram Panchayat, under Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Bangarupalem Mandal, Chittoor District.
6. The Secretary, Rural Development Department, Union of India, Government of India, Krishi Bhavan, Dr.Ralendra Prasad Road, New Delhi - 110001, INDIA.
7. The Director, Mahatma Gandhi National Rural Employment Guarantee (MGNREG) Scheme, Ministry of Rural Development, Government of India, Krishi Bhavan, New Delhi. (Addresses 1 to 7 by RPAD)
8. One CC to SRI. K V L NARASIMHA RAO Advocate [OPUC]
9. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEVELOPMENT, High Court of Andhra Pradesh. [OUT]
10. One CC to SRI VINOD K REDDY, Standing Counsel [OPUC]
11. One CC to SRI N.HARINATH, Assistant Solicitor [OPUC]
12. One spare copy

HIGH COURT

DEVJ

DATED:23/08/2021

POST THE WRIT PETITION AFTER TWO WEEKS

ORDER

WP.No.15564 of 2021

INTERIM DIRECTION

