

IN THE SUPREME COURT OF BANGLADESH  
HIGH COURT DIVISION  
SPECIAL ORIGINAL JURISDICTION

WRIT PETITION ON ..... OF 2012

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

Public Interest Litigation (PIL)

AND

IN THE MATTER OF:

1. Human Rights and peace for Bangladesh (HRPB), represented by its Secretary Advocate Asaduzzaman Siddiqui, Hall No. 2, Supreme Court Bar Association Bhaban, Dhaka, Bangladesh.

.....Petitioner.

**-VERSUS-**

1. Bangladesh represented by the Secretary, Ministry of Public Administration, Bangladesh secretariate, P.S. Shahbag, Dhaka – 1000, Bangladesh.

2. The Secretary, Ministry of Local Government and Rural Development, P.S. Shahbag, Dhaka – 1000, Bangladesh.

3. The Chief Engineer, LGED, LGED Head Office, Agargaon, Dhaka.

4. The Deputy Commissioner, Dhaka, Collectorate Building, Kotwali, Dhaka, Bangladesh.

5. David Poul Khondkar Swapon, The Chief Executive, Dhaka Zila Parisha, Jonson Road, Kotwali, Dhaka, Bangladesh.

6. Md. Moklesur Rahman, Assistant Engineer, Dhaka Zila Parishad, Zila Parishad Bhaban, Dhaka, Bangladesh.

.....Respondents.

**G R O U N D S-**

I. For that the duty and responsibility vested upon the respondents to serve the people and initiate lawful steps and the respondents are also duty bound to obey the provisions of law. But the respondents have failed to perform the duties and responsibility as vested upon them and also failed to take steps. Hence the respondent no. 5 and 6 should be restrained from any duties in finalization of the tender.

II. For that the fundamental rights of the citizens declared in the part III of the Constitution is to be enforced and protected by the judiciary. If the officials maintain their corrupt practice in return of bribe then people will lose hope on administration and as well as the society will be affected. Hence the respondent no. 5 and 6 should be restrained from any duties in finalization of the tender.

III. For that under Article 21 of the constitution the respondents and concern officials are duty bound at all time to serve the people and to perform the public duties. Nevertheless, they have failed to do their duty because they have failed to take steps against the corruption as reported in the news paper.

IV. For that the respondent no. 5 and the respondent no. 6 as Assistant Engineer of Dhaka Zila Parishd is entrusted by the public fund but in order to personal benefit he has engaged himself with corruption not only that without doing any work they have drawn millions of taka, which is illegal. Hence the respondent no. 5 and 6 should be restrained from any duties in finalization of the tender.

Wherefore, it is most humbly prayed that your Lordships would graciously be pleased to:-

- a) Issue a Rule Nisi calling upon the Respondents to show cause as to why a direction should not be given upon the respondents to restrain the respondent no. 4-5 from performing any duties/responsibility of the Tender processing activities being tender number no. 1/2011-2012 dated 01.12.2011, tender number no. 2/2011-2012 dated 15.11.2011, tender no. 3-7/2011-2012 dated 15.12.2011 and tender number no. 8/2011-2012 dated 11.01.2012, because of allegation of corruption brought against him in different media .
- b) Pending hearing of the Rule directs the respondent no. 1-3 to withdraw the respondent no. 5 and 6 from performing the function of their present post and till further appointment of officers the further operation of the tender number no. 1/2011-2012 dated 01.12.2011, tender number no. 2/2011-2012 dated 15.11.2011, tender no. 3-7/2011-2012 dated 15.12.2011 and tender number no. 8/2011-2012 dated 11.01.2012, be stayed.
- c) Pending hearing of the rule direct the respondent no. 1 and 2 to form a three members committee within seven days consisting of a Professor of Civil Engineering Department, BUET, Chief Engineer of Public Works Department and Additional Chief Engineer of LGED to evaluate the real cost of the work stated in the tender schedule and submit a report within four weeks before this court.

#### **Present Status**

The case was filled and moved by Advocate Manzill Murshid, President, HRPB. After hearing the parties the Hon'ble Court issued Rule Nisi upon the respondents and granted ad-interim order. The matter is pending before the Hon'ble High Court Division.

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