

Item No. 83

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 876 of 2022

Laishram Naba Singh

.... Petitioner

-Versus-

State of Manipur & 2 Ors.

... Respondents

BEFORE
HON'BLE MR. JUSTICE MV MURALIDARAN

25.01.2023

[1] Heard Mr. HS Paonam, learned senior counsel for the petitioner and Mrs. L. Monomala, learned GA for the State respondents.

[2] Mr. HS Paonam, learned senior counsel for the petitioner represented that similar nature of the writ petition has been filed in WP(C) No. 112 of 2021 and this Court by order dated 28.01.2022 has passed the following orders :

"Heard Mr. N. Jotendro, learned senior counsel for the petitioner as well as Mr. Nepolean, learned G.A. appearing on behalf of the State respondents.

By this writ petition, the petitioner is praying for a direction to the respondents to release the undisputed bill amount of Rs. 85,86,083/- in favour

of the petitioner which has been lying pending with the respondents.

It is the case of the petitioner that the petitioner was awarded with various work orders under the Public Health Engineering Department, Manipur from the year 2013 to 2019. It is also submitted that part payments were also made to the petitioner from time to time in respect of the works that was executed by him.

The State respondents has filed counter affidavit wherein it is stated that work orders executed by the petitioner before 2018 onwards under the Old Scheme has been abolished by the Union of India and therefore, the work executed by the petitioner is time barred and he cannot claimed further bills at this belated stage. It is also submitted that the petitioner had slept for more than 6 (six) years after completion of works and as the release of the pending bills being time barred and a closed scheme, the representation made by him on 08.01.2021 cannot be disposed by the competent authority as it is beyond the control of the State Government.

A perusal of the affidavit filed by the respondent No. 1 would clearly indicate that there is no denial that the petitioner has completed his work allotted to him. The only ground taken is that as the work was sanctioned under the Old Scheme which does not exist anymore, the State respondents are not in a position to make payment. However, it is important to note that when the work

order was issued to the petitioner, the same was done when the Old Scheme was in existence and sanction of amount has also made towards such Old Scheme, it is incumbent upon the respondents to make the payment for the completed works to the petitioner and therefore, the plea that the work was done when the Old Scheme was in existence and as the scheme does not exist anymore, payment cannot be made to the petitioner, cannot be accepted by this Court. Further, when there is no denial that the petitioner has not completed his work, the respondents are duty bound to pay the petitioner for the works completed by him. In that view of the matter, this writ petition is disposed of by directing the respondents to examine the case of the petitioner and pay the undisputed bill to the petitioner after proper verification within a period of 4 (four) months from the date of receipt of a copy of the order of this Court.

With the above observations and directions, writ petition is disposed of.

Furnish copy of this order to the learned counsel for all the parties through their respective e-mails/Whatsapp.”

[3] Therefore, Mr. HS Paonam, learned senior counsel for the petitioner represented it is clearly observed that the said order is squarely applicable in this matter also and prayed that similar order may be passed by directing the respondents to examine the case of the petitioner and pay the undisputed bill to

the petitioner after proper verification within a period of 4 (four) months from the date of receipt of a copy of the order of this Court.

[4] Mrs. L. Monomala, learned GA who appears for the State respondents seeks time to get instruction from the respondents and report before this Court.

[5] Anyhow, since this Court in the earlier order in WP(C) No. 112 of 2021 dated 28.01.2022 simply directed the respondents to examine the case of the petitioner and pay the undisputed bill to the petitioner after proper verification within a period of 4 (four) months from the date of receipt of a copy of the order of this Court.

[6] This Court is of the considered view that the said order passed in WP(C) No. 112 of 2021 is applicable in this matter also and if this Court passed the similar order no prejudice will be caused to the respondents.

[7] Considering the nature of the prayer sought for by the petitioner in the writ petition, I am inclined to pass the following orders:

- 1) this writ petition is disposed of;

- 2) the respondents are directed to examine the case of the petitioner and pay the undisputed bill to the petitioner after proper verification within a period of 4 (four) months from the date of receipt of a copy of the order of this Court.

JUDGE

Sushil