

GAHC010006862021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/367/2021

BASIR UDDIN LASKAR
S/O LATE KASARAT ALI LASKAR, R/O KANAKPUR PT-II, P.O. SILCHAR,
DIST. CACHAR, ASSAM, PIN 788005

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF ASSAM, PUBLIC WORKS
DEPTT., DISPUR, GUWAHATI-6, DIST. KAMRUP

2:THE CHIEF ENGINEER

PUBLIC WORKS DEPTT. (ROADS)
CHANDMARI
GUWAHATI
DIST. KAMRUP
PIN 781003

3:THE SUPERINTENDING ENGINEER

PWD ROAD
CACHAR CIRLCE
SILCHAR 788001
CACHAR
ASSAM.

4:THE EXECUTIVE ENGINEER

PWD RURAL ROAD DIVISION
PRESENTLY KNOWN AS PWRD SILCHAR AND UDHARBOND
TERRITORIAL ROAD DIVISION
SILCHAR 788001

DIST. CACHAR
ASSAM.

5:THE ASSTT. EXECUTIVE ENGINEER

PWD SILCHAR
RURAL ROAD DIVISION
PWD RURAL ROAD DIVISION
PRESENTLY KNOWN AS PWRD SILCHAR AND UDHARBOND
TERRITORIAL ROAD DIVISION SILCHAR 78800

Advocate for the Petitioner : MR. I ALAM

Advocate for the Respondent : SC, PWD

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

14.08.2023

The instant writ petition has been filed seeking a direction upon the respondent authorities to release the pending dues of the petitioner in respect to various contractual works amounting to Rs.6,00,547/-.

2. From the perusal of the materials on record, it reveals that in respect to various contracts, there has been certain balance dues wherein no payment has been made to the petitioner. The petitioner, accordingly, submitted an RTI application before the Public Information Officer, Office of the Executive Engineer, PWD, Silchar & Udharbond Territorial Road Division, Silchar.

3. To the said application, the Public Information Officer, Office of the Executive Engineer, PWD, Silchar & Udharbond Territorial Road Division,

Silchar submitted a statement wherein in respect to various contracts, the petitioner after having received various amounts is still entitled to an amount of Rs.6,00,547/-.

3. Mr. R. Dhar, the learned counsel appearing on behalf of the PWD submitted that although the said document on which the petitioner has filed the instant writ petition is a document issued by the Public Information Officer, Office of the Executive Engineer, PWD, Silchar & Udharbond Territorial Road Division, Silchar, but as per the judgment of the Full Bench in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***, it is the Chief Engineer of the Department concerned who has to admit to the said bills and as the said dues have not been admitted by the Chief Engineer, no writ ought to be issued in the instant case.

4. This Court has given a due consideration to the matter and is of the opinion that the information so given to the petitioner that the petitioner is entitled to an amount of Rs.6,00,547/-, the said aspect needs to be verified at the level of the Chief Engineer, Roads and upon such verification, if the petitioner is entitled to any amount, the said amount needs to be paid in terms with the direction passed by the Full Bench in the case of ***Tamsher Ali*** (supra).

5. Accordingly, this Court, therefore, disposes of the instant writ petition with a direction upon the Chief Engineer, Roads to make verification as to whether the petitioner is entitled to the amount of Rs.6,00,547/- as per the statement so given by the Public Information Officer, Office of the Executive Engineer, PWD, Silchar & Udharbond Territorial Road Division, Silchar and upon such verification to be carried

out if it is found that the petitioner is entitled to, the same be paid in terms with the direction so passed in ***Tamsher Ali*** (supra).

6. The said exercise of verification be carried out within one month from the date of service of the certified copy of the instant order.

JUDGE

Comparing Assistant