

GAHC010020042014



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

Case No. : WP(C)/6816/2014

RANJUMONI SARMAH and 60 ORS
S/O SRI JITEN SARMAH, R/O SANKAR NAGAR, BHEBARGHAT, P.O. and P.S.
MANGALDOI, DIST. DARRANG, ASSAM, PIN 784125

2: MD. HABIBUR RAHMAN
SON OF LATE JONAB ALI
RESIDENT OF VILLAGE HIRAPARA
P.O. DHULA
DISTRICT-DARRANG
ASSAM PIN 784146

3: MD. MOZAMIL HOQUE

SON OF MD. RAHIMUDDIN AHMED
RESIDENT OF VILLAGE ADHIKARI
P.O. RAJGHAT DISTRICT-DARRANG
ASSAM. PIN 784125

4: MD. ABDUL HAMID
SON OF ABDUL LATIF
RESIDENT OF VILLAGE DUMINICHOWKI
P.O. MARWACHOWKI
DISTRICT-DARRANG
ASSAM PIN 784145

5: MD. AZIZUL MAZID
SON OF ENAMUL MAZID
RESIDENT OF VILLAGE and P.O BYASPARA
DISTRICT-DARRANG
ASSAM PIN 784125

6: SRI BICHITRA NATH

SON OF SRI PHULESWAR NATH
RESIDENT OF VILLAGE KABIKARA
P.O. JANARAM CHOWKA
DISTRICT-DARRANG
ASSAM. PIN 784529

7: MD. SAMSUL HOQUE
SON OF ABDUL BAREK
RESIDENT OF VILLAGE KANAICHUBA
P.O. HOWLY MOHANPUR
DISTRICT-DARRANG
ASSAM PIN 784529

8: ABU BAKKAR SIDDIQUE
SON OF LATE AHMED ALI
RESIDENT OF VILLAGE DUMUNI CHOWKI
P.O. MARUAWA CHOWKI
DISTRICT-DARRANG
ASSAM PIN 784145

9: KHABIRUDDIN AHMED

SON OF LATE KASEM ALI
RESIDENT OF VILLAGE and P.O. SANOWA
DISTRICT-DARRANG
ASSAM. PIN 784145

10: MD AHSAN ALI

SON OF LATE JAMATULLA ALI
RESIDENT OF VILLAGE and P.O. SANOWA
DISTRICT-DARRANG
ASSAM PIN 784145

11: SRI HEMANTA DEKA

SON OF MINARAM DEKA
RESIDENT OF VILLAGE and P.O. MENAPARA
DISTRICT-DARRANG
ASSAM. PIN 784125

12: MD MAJAR ALI
SON OF LATE ARAJ ALI
RESIDENT OF VILLAGE BANDIA GOAN
P.O. MANGALDAI
DISTRICT-DARRANG
ASSAN. PIN 784125

13: SRI KANESWAR DEKA

SON OF LATE BENU DEKA
RESIDENT OF VILLAGE SENGAPATHAR
P.O. SENGAPATHAR KALAIGAON DISTRICT-DARRANG
ASSAM. PIN 784525

14: MD. ATIKUR HUSSAIN
SON OF LIYAKAT ALI
RESIDENT OF VILLAGE NIRAN CHUBA
P.O. PATHARIGHAT
DISTRICT-DARRANG
ASSAM. PIN 784145

15: MD. RAJIB AHMED

SON OF LATE MATLIB ALI
RESIDENT OF VILLAGE GHORASHAL
P.O. PATHARIGHAT
DISTRICT-DARRANG
ASSAM. PIN 784145

16: SARIFUL HOQUE

SON OF LATE DALISHA SHEIKH
RESIDENT OF VILLAGE NO.2 BEZPARA
P.O. HOWLY MOHANPUR
DISTRICT-DARRANG
ASSAM. PIN 784529

17: MD. HASIBUDDIN AHMED
SON OF LATE HABIBAR RAHMAN
RESIDENT OF VILLAGE SANOWA TARI
P.O. SANOWA
DISTRICT-DARRANG
ASSAM. PIN 784145

18: SRI HIREN SARMAH

SON OF LATE JOGENDRA SARMAH
RESIDENT OF VILLAGE BAMUNPARA
P.O. MANGALDAI
DISTRICT-DARRANG
ASSAM. PIN 784125

19: MD. SAHAR ALI

SON OF LATE SAYED ALI

RESIDENT OF VILLAGE GHILAKURI
P.O. BARAMPUR
DISTRICT-DARRANG
ASSAM. PIN 784144

20: MD. ZIAUL HASSAN
SON OF LATE SADULLA AHMED
RESIDENT OF MANGALDAI TOWN
WARD NO.2
P.O. MANGALDAI
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ASSAM. PIN 784125

21: MD. JAINUR ALI

SON OF LATE BASHIR ALI
RESIDENT OF VILLAGE HETAMTOLA
P.O. SIPAJHAR
DISTRICT-DARRANG
ASSAM. PIN 784145

22: MD. MATLEB ALI

SON OF LATE RAMJAN ALI
RESIDENT OF VILLAGE BOTABARI
P.O. DHULA DISTRICT-DARRANG
ASSAM. PIN 784146

23: SRI SANJIB KUMAR KALITA

SON OF SRI CHANDAMAL KALITA
RESIDENT OF VILLAGE BORKOLA BAGICHA
P.O. BORKOLA CHOWKA
DISTRICT-DARRANG
ASSAM. PIN 784525

24: MD. HABIBAR RAHMAN

SON OF MD. ANOWAR HUSSAIN
RESIDENT OF VILLAGE KHATOWALPARA
P.O. HOWLY MOHANPUR
DISTRICT-DARRANG
ASSAM. PIN 784529

25: ABDUL HANNAN

SON OF MD. HAKIM ALI
RESIDENT OF VILLAGE MUSLIM GHOPA

P.O. SIPAJHAR
DISTRICT -DARRANG
ASSAM. PIN 784145

26: MD. ILIAS ALI

SON OF LATE IDRISH ALI
RESIDENT OF VILLAGE MOLLAPARA
P.O. HOWLY MOHANPUR
DISTRICT-DARRANG
ASSAM. PIN 784529

27: MD. KHAIRUL ISLAM

SON OF MD. KHASNUR ALI
RESIDENT OF VILLAGE KANAICHUBA
P.O. HOWLY MOHANPUR
DISTRICT-DARRANG
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28: MD. RAFIKUL ISLAM

SON OF ABDUL JABBAR
RESIDENT OF VILLAGE BOTABARI
P.O. DHULA DISTRICT -DARRANG
ASSAM. PIN 784146

29: MD. FAIZUDDIN AHMED

SON OF DIDARUDDIN AHMED
RESIDENT OF VILLAGE KANAICHUBA
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30: SRI HAREN SARMAH
SON OF LATE RAJEN SARMAH
RESIDENT OF VILLAGE BAMUNPARA
P.O. MANGALDAI
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31: MD. ISHAF ALI

SON OF SUTKU SHEIKH
RESIDENT OF VILLAGE PANIGHAT
P.O. DHULA
DISTRICT-DARRANG

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32: MD. ABDUL MAZID
SON OF RAFIK ALI
RESIDENT OF MANGALDAI TOWN
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33: MD. MUKSHEDUR RAHMAN

SON OF HABIBUR RAHMAN
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34: SRI DIGAMBAR NATH

SON OF LATE RABIDHAR NATH
RESIDENT OF VILLAGE NO.2 KALAIGAON
P.O. TENGABARI
DISTRICT-DARRANG
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35: MD. AZMAL HUSSAIN

SON OF LATE WAHAB ALI
RESIDENT OF VILLAGE BORDOULGURI
P.O. SIPAJHAR
DISTRICT-DARRANG
ASSAM. PIN 784145

36: SRI DINAMONI DEKA
SON OF LATE SATRAM DEKA
RESIDENT OF VILLAGE GORUBANDHA
P.O. KALAIGAON
DISTRICT-DARRANG
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37: MD. GIASUDDIN AHMED

SON OF LATE SAIFUDDIN AHMED
RESIDENT OF VILLAGE- MOLLAPARA
P.O. HOWLY MOHANPUR

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38: SRI MUKUNDA DEKA

SON OF UKTARAM DEKA
RESIDENT OF VILLAGE GERIMARI
P.O. MANGALDAI
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ASSAM. PIN 784125

39: SRI MADHAB DAS

SON OF LATE NAGEN DAS
RESIDENT OF VILLAGE MEDHIPARA
P.O. CHOPAI CHOWKA
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40: MD. AJIMUDDIN AHMED

SON OF LATE OBARKHA ALI
RESIDENT OF VILLAGE BISHNUPUR
P.O. BURHA
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ASSAM. PIN 784148

41: MD. ABU BAKKAR SIDDIQUE
SON OF SABED ALI RESIDENT OF VILLAGE MUSLIM GHOPA
P.O. SIPAJHAR
DISTRICT-DARRANG
ASSAM. PIN 784145

42: SRI DIJU BARUAH

SON OF LOHIT BARUAH
RESIDENT OF VILLAGE UPOHUPARA
P.O. MANGALDAI
DISTRICT-DARRANG
ASSAM. PIN 784125

43: MD. AZMAL HUSSAIN

SON OF LATE WAHAB ALI
RESIDENT OF VILLAGE and P.O. BORDOULGURI
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44: MD

MAINUL HOQUE
SON OF LATE TURAP ALI
RESIDENT OF VILLAGE N.K. GADHUWA
P.O. MANGALDAI
DISTRICT-DARRANG
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45: MD. HABIBAR RAHMAN

SON OF ANOWAR HUSSAIN
RESIDENT OF VILLAGE KHATOWALPARA P.O. HOWLY MOHANPUR
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46: SMTI. THANESWARI DEKA

DAUGHTER OF JOGORAM DEKA
RESIDENT OF VILLAGE PRAFULLA NAGAR
P.O. MANGALDAI
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47: SRI HARI CH. KALITA

SON OF LATE TAPESWAR KALITA
RESIDENT OF VILLAGE DUWARIPARA
P.O. CHAUGALIA
DISTRICT -DARRANG
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48: MD. MOTIUR RAHMAN

SON OF LATE SAIFUDDIN AHMED
RESIDENT OF VILLAGE ADHIKARI
P.O. RAJGHAT
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49: SRI BUDHESWAR DAS

SON OF LATE SATISH NATH
RESIDENT OF VILLAGE and P.O. BORDOULGURI
DISTRICT -DARRANG
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50: MD. ARFAN ALI

SON OF LATE SAFAT ALI

RESIDENT OF VILLAGE BOLOGARA
P.O. KHARUPETIA
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ASSAM. PIN 784115

51: MD. NAZMAL HUSSAIN

SON OF LATE ABDUL SHEIKH
RESIDENT OF VILLAGE and P.O. CHAMUAPARA
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ASSAM. PIN 784529

52: MD. UNUS ALI

SON OF MOHAMMAD ALI
RESIDENT OF VILLAGE BARUAJHAR
P.O. BECHIMARI
DISTRICT -DARRANG
ASSAM. PIN 784514

53: SRI LAKSHYADHAR RAJBANGSHI
SON OF PARESH RAJBANGSHI
RESIDENT OF VILLAGE T.K. GRANT
P.O. BAJNA PATHAR
DISTRICT -DARRANG
ASSAM. PIN 784145

54: MD
ABDUL KALAM
SON OF MD. HAIDAR ALI
RESIDENT OF VILLAGE and P.O. MAROI
DISTRICT -DARRANG
ASSAM. PIN 784145

55: MD. AKHTAR ALI

SON OF LATE ABDUL AZIZ
RESIDENT OF VILLAGE DUARIPARA
P.O. CHANGELIAJHAR
DISTRICT -DARRANG
ASSAM. PIN 784145

56: MD. HANNAN ALI

SON OF MD. HAKIM ALI
RESIDENT OF VILLAGE MUSLIM GHOPA
P.O. SIPAJHAR
DISTRICT -DARRANG

ASSAM. PIN 784145

57: SRI GIRIN THAPA

SON OF MANBAHADUR THAPA
RESIDENT OF VILLAGE T.K. GRANT
P.O. BAJNA PATHAR
DISTRICT -DARRANG
ASSAM. PIN 784145

58: MD. EYAJUL HOQUE

SON OF LATE ISMAIL ALI
RESIDENT OF VILLAGE SINGIMARI
P.O. KHANDAJAN
DISTRICT -DARRANG
ASSAM. PIN 784145

59: MD. NIZAM ALI

SON OF JAFFAR ALI
RESIDENT OF VILLAGE BANDIGAON
P.O. MANGALDAI
DISTRICT -DARRANG
ASSAM. PIN 784125

60: MD. INAMUL HOQUE

SON OF RAHIMUDDIN AHMED
RESIDENT OF VILLAGE MARUWACHOWKI
P.O. DUMINICHOWKI
DISTRICT -DARRANG
ASSAM. PIN 784145

61: SRI RAJU AHMED

SON OF TALEB ALI
RESIDENT OF VILLAGE BORDOULGURI
P.O. BORDOULGURI
DISTRICT -DARRANG
ASSAM. PIN 78414

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE PRINCIPAL SECY. TO THE GOVT.OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPTT. DISPUR, GUWAHATI
781006

2:THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE DARRANG ZILLA PARISHAD
MANGALDAI
P.O AND P.S MANGALDAI
DISTRICT- DARRANG ASSAM
PIN-784125. REPRESENTED BY THE CHIEF EXECUTIVE OFFICER.

4:THE CHIEF EXECUTIVE OFFICER
DARRANG ZILLA PARISHAD
MANGALDAI. P.O AND P.S MANGALDAI
DISTRICT- DARRANG ASSAM PIN-784125

For the Petitioner(s) : Mr. B. Chakraborty, Advocate

For the Respondent(s) : Mr. N. K. Devnath, SC, P&RD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

JUDGMENT AND ORDER (ORAL)

Date : 14-09-2023

1. Sixty one writ petitioners have joined together and filed the instant writ petition challenging the order dated 15.09.2012 passed by the Principal Secretary, Government of Assam, P&RD Department whereby the claims of the Petitioners for payment of their outstanding dues were rejected and also seeking a direction upon the Respondent Authorities to release/pay the admitted amount of Rs.58,00,198/- to the Petitioners on account of contractual works performed and executed by them under the SGRY Scheme of Darrang

Zilla Parishad.

2. The facts of the instant case as could be discerned from a perusal of the writ petition is that the Petitioners claimed that they were allotted various contractual works by the Darrang Zilla Parishad under the Sampurna Gramin Rojgar Yojona (SGRY) for the financial year 2006-2007. It was alleged that the various works were carried out by the respective committees headed by the Petitioners as the President of the said committees which were supervised by the Assistant Project Officers (Technical) and the Junior Engineers working under the Darrang Zila Parishad. The Petitioners claimed that they had completed the allotted works within the stipulated time without there being any complaint as regards the nature and quality of the work but the Petitioners have not been paid their outstanding dues except making a meager part payments. The Petitioners further claimed that the total outstanding amount of which the Petitioners as a whole are entitled to is Rs.58,00,198/- against 67 numbers of Schemes. Various representations were submitted from time to time by the Petitioners but the said amounts were not paid for which the Petitioners filed separate writ petitions before this Court.

3. This Court vide a common judgment and order dated 08.06.2011 disposed of the said writ petitions thereby directing the Principal Secretary to the Government of Assam, P&RD Department to look into the matter and after considering the communication dated 01.07.2009 to pass an order with regards to the claims of the Petitioners and also to issue appropriate directions to the Chief Executive Officer, Darrang Zila Parishad accordingly and the said exercise was directed to be completed within a period of two months. The Petitioners upon receipt of the certified copy of the said judgment, placed it before the

Principal Secretary to the Government of Assam, P&RD Department for compliance to the directions passed. Thereupon, the impugned order dated 15.09.2012 was passed by the Respondent No.1 which have been put to challenge before this Court.

4. From a perusal of the writ petition, it transpires that it is on account of the order dated 15.09.2012 that the Petitioners have not been paid their dues and as such it is necessary for this Court to analyse as to whether any interference can be made to the order dated 15.09.2012 as well as also take into account that as to whether a writ in the nature of certiorari can be issued for setting aside the said order.

5. Now coming to the impugned order, it would be seen that the P&RD Department had entrusted to cause a detailed enquiry into the matter vide an order dated 26.08.2011. The Joint Secretary of the P&RD Department had submitted his enquiry report on 22.02.2012 which was found by the P&RD Department to be not in order for which a 3 (three) member committee was constituted comprising of one Joint Secretary of the P&RD Department, One Joint Director (Tech) of the Commissionerate of P&RD and the Financial Advisor, P&RD Department to re-examine the matter. The three member committee thereupon submitted their enquiry report on 26.07.2012. In the said report so submitted, the enquiry team found only 17 numbers of Schemes which tally with the list of Schemes furnished by the CEO in his letter dated 01.07.2009 and accordingly, the report was based on these 17 Schemes. It was found that out of the 17 Schemes, the enquiry team could trace out only 4 numbers of schemes from the Action Plan 2006-07 and the total estimated amount of these 4 numbers of schemes were Rs.5,00,000/- out of which an

amount of Rs.84,920/- were received by some of the Petitioners as per their records. It is also apparent from the enquiry report that the Government of India vide a letter dated 23.03.2007 had issued certain directions which were :-

- (i) No new SGRY works should be taken up w.e.f. 23.03.2007 as no further fund would be released under SGRY during 2007-08.
- (ii) All works undertaken under SGRY should be completed by 31.03.2007; and
- (iii) If such Schemes cannot be completed due to unavoidable circumstances during 2006-07 i.e. by 31.03.2007, the Schemes may be completed with the balance available fund on 01.04.2007 under the SGRY at the earliest.

6. It also appears that pursuant to the Government letter dated 23.03.2007, the Government of India issued another communication dated 14.08.2007 stating that in case there are still incomplete SGRY work in NREGA Phase II Districts (where Darrang District was covered), the same has to be closed w.e.f. 31.08.2007 and no further expenditure is to be incurred on them. It was further directed vide the said letter dated 14.08.2007 that the entire balance funds of the SGRY as on 31.08.2007 must be transferred immediately to a separate account created for NREGA works, if not done so far.

7. The impugned order dated 15.09.2012 further reveals that in terms with the enquiry report, as per Office record of the CEO, Zila Parishad Darrang, the closing balance under SGRY as on 31.03.2007 was Rs.4,27,283/- and the CEO, Zila Parishad Darrang received an amount of Rs.97,63,000/- under SGRY Programme during the period from 07.04.2007 to 06.06.2007 and out of which

the amount received on 06.06.2007 was Rs.37,48,000/-. It was further mentioned that after discontinuance of the SGRY Scheme, the total available fund with the Zila Parishad, Darrang during 2007-08 was Rs.1,01,90,283/- of which an amount of Rs.1,01,65,834/- was spent leaving a balance of Rs.24,449/- till closure of the SGRY Scheme as on 31.08.2007. Further, it was also mentioned that the 17 numbers of Schemes which were duly taken note of by the enquiry committee were executed during the period from February, 2007 to May, 2007 and the total estimated amount of the Schemes were Rs.17,35,000/- out of which an amount of Rs.3,80,592/- were paid. The reason for non-payment of the bills out of the available funds of Rs.37,48,000/- which was received by the CEO, Zilla Parishad Darrang on 06.06.2007 could not be confirmed by the enquiry team. It was however mentioned that in the enquiry report, there was no instructions/orders from the CEO, Zilla Parishad Darrang to execute the works by the Petitioners. In the said impugned order dated 15.09.2012, the various guidelines of SGRY were taken into account and thereupon the conclusions have been recorded in the said order which are enumerated hereinunder:

“(1) Total fund received by Zila Parishad, Darrang under SGRY Scheme during the year 2007-08 as on 6/6/2007 (after discontinuance of SGRY scheme i.e. after 31/3/2007) was Rs.1,01,90,283/- and the amount received by ZP, Darrang on 6/6/2007 was Rs.37,48,000/-. So the question of clearance pending bills which appears to be in between Feb 2007 to May 2007 from the State share which was released by State Govt after 31/8/2007 does not arise.

(2) 17 nos. of schemes were found to be executed during Feb/2007 to May/2007. The reason for non-payment of the bills in question out of the available fund of Rs.1,01,90,283/- could not be confirmed by the enquiry team.

(3) Schemes in question were executed in violation of clause 5.16.1, 6.1.1, 6.1.5 & 6.6.1 of SGRY guideline.

(4) The State share which was released by State Govt. after closure of SGRY account i.e. after 31/8/2007 was deposited into new NREGA Account as per GoI's instruction.

(5) Instead of engaging local rural poor wage earners, the schemes were executed by the petitioners through construction committee by constituting themselves by suo-moto will.

(6) The works undertaken by the petitioners in the field were without any instruction from CEO, ZP, Darrang as well as it appears to be executed before receipt of its due share by ZP, Darrang, which is violation of FRBM Rules."

8. From the above conclusions so arrived at vide the impugned order dated 15.09.2012, it reveals that as the total fund received by the Zila Parishad Darrang under the SGRY Scheme during the year 2007-08 as on 06.06.2007 (after discontinuation of the SGRY Scheme i.e. after 31.03.2007) was Rs.1,01,90,283/- and the amount received by the ZP, Darrang on 06.06.2007 was Rs.37,48,000/- and as such the question of clearance of the pending bills which appears to be in between February, 2007 to May, 2007 from the State share which was released by the State Government after 31.08.2007 does not arise. It was further observed in the conclusions that 17 numbers of the Schemes were found to be executed during February, 2007 to May, 2007 and the reasons for non-payment of the bills in question out of the available funds of Rs.1,01,90,283/- could not be confirmed by the enquiry team. It is further seen from the conclusions arrived at that the State share which was released by the State Government after closure of SGRY account i.e. after 31.08.2007 was deposited in the new NREGA Account as per the Government of India's

instructions. It was also concluded in the impugned order that the Schemes were executed by the Petitioners through construction committee by constituting themselves suo-moto instead of engaging local rural poor wage earners. Further to that, it has also been mentioned that the works undertaken by the Petitioners in the field were without any instructions from the CEO, ZP Darrang as well as it appears to be executed before the receipt of its due share by the ZP, Darrang which was in violation of the FRBM Rules. It is on the basis of the said conclusion, that the claims of the Petitioners were found to be not justified and hence were rejected.

9. From the above, therefore it reveals that although the Petitioners claimed to have completed the works pertaining to 67 Schemes, the 3 (three) member committee only found that only 17 numbers of Schemes of the Petitioners tally with the list of schemes furnished by the CEO. On the basis of the 17 schemes, the enquiry committee could only trace out only 4 (four) numbers of schemes from the Action Plan 2006-07. It is also seen from the impugned order that there is an admission to the effect that there were 17 numbers of schemes which were executed during February 2007 to May 2007 and the total estimated amount of the Schemes were Rs.17,35,000/- out of which Rs.3,80,592/- was paid. The enquiry report so submitted however did not state as to why the said remaining amount could not be paid out of the available fund with the Zilla Parishad, Darrang. It further appears from the enquiry report that there was no instructions/orders from the CEO, Zilla Parishad, Darrang to execute the works by the Petitioners. It further shows that there has been certain allegations that there are violations to the SGRY Guidelines more particularly to Clause 5.16.1, 6.1.1, 6.1.5 and 6.6.1. It also transpires that there are admissions to the effect in the impugned order itself that the 17

numbers of schemes were executed by the Petitioners though construction committee constituted by themselves. Therefore, the fact as to whether the Petitioners are entitled to any amount remains inconclusive in view of the report on which the impugned order was passed, more so in respect to the 17 numbers of schemes which was duly taken note of by the enquiry committee.

10. It is also relevant to take note of that as to whether the Petitioners were allotted the works in terms with the SGRY Guidelines; as to whether the Petitioners completed the works as per the allotment of the works made to the Petitioners and as to how much amount the Petitioners would be entitled to are factual determination which cannot be made by this Court under article 226 of the Constitution. Be that as it may, the order which was passed on 15.09.2012 in the opinion of this Court is also an inconclusive determination so made and on the basis of the said order, the Petitioners cannot be denied their entitlement if the Petitioners prove in a competent Court of jurisdiction that they have been allotted the work as per the guidelines and they have duly completed the work and accordingly are entitled to the claimed amount.

11. This Court also cannot be unmindful of the fact that the claims as regards the entitlement of the amounts have been pursued by the Petitioners since 2009 itself when the Petitioners filed their first set of writ petitions and thereupon the Petitioners diligently have been pursuing the instant writ petition for claiming the amount to which the Petitioners are entitled to. This Court while exercising the jurisdiction under Article 226 of the Constitution cannot adjudicate these factual aspects for the reasons above mentioned and as such the reliefs so sought for as regards the direction for payment of an amount of Rs.58,00,198/- to the Petitioners cannot be issued by this Court.

12. Under such circumstances, the instant writ petition stands disposed of thereby granting liberty to the Petitioners to avail remedies before the competent Civil Court against the Respondents claiming the amount due to them on the basis of their contracts and the order dated 15.09.2012 shall not act as a bar in granting the Petitioners their reliefs if the Petitioners prove their entitlement before the competent Civil Court.

13. This Court further observes and clarifies that taking into account that the Petitioners have been pursuing their remedies diligently before this Court since 2009, the Petitioners would be entitled to the benefit of Section 14 of the Limitation Act, 1963, if any suit is being filed.

14. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant