

GAHC010058432022



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

Case No. : WP(C)/2144/2022

SK. REAZ UDDIN
S/O- LATE AKTAR HUSSAIN, R/O- M.CO. ROAD, WARD NO. 12, P.O., P.S. AND
DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC
HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
HAVING ITS OFFICE AT DISPUR
GUWAHATI- 781006.

3:THE CHIEF ENGINEER (PHE)
ASSAM
HENGABARI
GUWAHATI-36.

4:THE ADDL. CHIEF ENGINEER (PHE)
LOWER ASSAM ZONE
BAMUNIMADAM
GUWAHATI-22.

5:THE EXECUTIVE ENGINEER (PHE)
DHUBRI DIVISION
DHUBRI
P.O. AND DIST. DHUBRI
ASSAM
PIN- 783301.

6:THE ASSISTANT EXECUTIVE ENGINEER (PHE)
HATSINGIMARI SUB-DIVISION
P.O. AND DIST. SOUTH SALMARA MANKACHAR
ASSA

Advocate for the Petitioner : MR. N ALAM R K

Advocate for the Respondent : SC, P H E

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

21.07.2023

The instant writ petition has been filed challenging the inaction on the part of the respondent authorities in not making the payment of Rs.4,25,286/- for the work completed by the petitioner in terms with the various work orders dated 26.11.2013, 27.11.2013, 27.02.2015, 27.02.2015, 23.04.2015, 19.10.2015, 19.10.2015, 29.02.2016 in respect of various works of RCC Ring Well with construction of platform, installation of TARA Hand Pump with platform etc. under the Government Scheme, "The National Rural Drinking Water Programme".

2. It is the further case of the petitioner that the petitioner completed the entire works and the Executive Engineer, Dhubri PHE Division, after various inspections and verifications, issued work done certificate being No.PHEE/DBB/CW-1 (PT-IV)2020-21/190 dated 07.12.2022. The further case of the petitioner is that the respondent authorities have made part payment of Rs.56,000/- out of Rs.6,32,338/- in respect of the work

mentioned in the work order (Annexure-1); part payment of Rs.17,600/ out of Rs.46,173 in respect of the work order (Annexure-2); part payment of Rs.6,000/- out of Rs.45,247/- in respect of the work order (Annexure-3); part payment of Rs.10,000/- out of Rs.62,275/- in respect of the work order (Annexure-7); part payment of Rs.21,700/- out of Rs.30,502/- in respect of repairing work mentioned in the Govt. Letter (Anenxure-9); part payment of Rs.2,16,200/- out of Rs.22,739/- in respect of the work order (Annexure-2) and the total amount of Rs.4,25,286/- still remains pending in spite of the petitioner approaching the respondent authorities from time and again. It is under such circumstances that the instant writ petition has been filed for an appropriate direction upon the respondent authorities to make the payment of Rs.4,25,286/- to the petitioner to which the petitioner claims to be entitled to.

3. Ms. M. Kalita, the learned counsel appearing on behalf of the PHE Department submits that the question as to whether the petitioner has completed the entire work and as to whether the petitioner would be entitled to the further amount of Rs.4,25,286/- as has been sought for by the instant writ petition is a matter which needs to be verified at the end of the respondent authorities. The learned counsel for the respondents submits that it is only on the basis of such verification, the actual entitlement of the petitioner, if any, can be ascertained.

4. Taking into account the materials on record as well as the submission made by the Standing Counsel for the PHE Department, this Court finds it appropriate in the interest of justice to dispose of the instant writ petition and accordingly directs the respondent authorities to make necessary verification as regards the work done by the petitioner and

upon necessary verification if it is found that the petitioner is entitled to any amount as claimed the same be disbursed to the petitioner in accordance with the law laid down by the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in **2008 (4) GLT 1**. The said verification be completed within a period of 3 (three) months from the date a certified copy of the instant order is submitted to the Chief Engineer, PHE, Assam, i.e. the respondent No.3.

5. With the above, the instant petition stands disposed of.

JUDGE

Comparing Assistant