

GAHC010080692022



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

WP(C)/2855/2022

PRADIP KUMAR DAS
S/O. LT. ABHAY CHARAN DAS
R/O. FATASIL AMBARI
NRIPEN BORA ROAD
GUWAHATI-781025
DIST. KAMRUP (M)
ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMM. AND SPL. SECRETARY TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPTT.
DISPUR, GUWAHATI-781006
KAMRUP (M)
ASSAM.

2:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPTT. (DEVELOPMENT)
ASSAM SACHAVALAYA
DISPUR
GUWAHATI
ASSAM, PIN-781006.
3:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM

PUBLIC WORKS (ROADS) DEPTT. (WORKS)
ASSAM SACHIVALAYA
DISPUR
GUWAHATI
ASSAM, PIN-781006.
4:THE CHIEF ENGINEER
P.W.D. (ROADS)
ASSAM

CHANDMARI
GUWAHATI-781003
DIST. KAMRUP (M)
ASSAM.
5:THE SUPDT. ENGINEER

PWD
DIBRUGARH ROADS CIRCLE
DIBRUGARH
ASSAM
PIN-786001.
6:THE EXECUTIVE ENGINEER

P.W.D. DIBRUGARH
LAHOWAL
MORAN AND TINGKHONG TERRITORIAL ROAD DIVISION
DIBRUGARH
ASSAM
PIN-786001.
7:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPTT.
DISPUR
GUWAHATI
PIN-781006.

Advocate for : MR. A DHAR
Advocate for : SC
PWD appearing for THE STATE OF ASSAM AND 6 ORS

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

27-01-2023

Heard Shri A. Dhar, learned counsel for the petitioner who has filed this petition for release of a contractual amount.

Shri A. Chaliha, learned Standing Counsel, Finance Department is present.

It is the case of the petitioner that he was allotted the Improvement of Metd. LBT Road in Tengakhat Road Sub-Division under Dibrugarh Road Division, under Non-Plan for 2001-2002 (Providing WBM Patching, PC & SC & Gravelling in Side Berm at

21st to 22nd KM)'. However, since the contractual amount was not paid, the petitioner has to approach this Court on an earlier occasion by filing WP(C) No. 1402/2011. This Court vide an order dated 30.03.2011 had disposed of the writ petition by directing the respondent authorities i.e. the PWD to deal with the grievance of the petitioner in accordance with the Full Bench decision of this Court rendered in the case of ***Tamsher Ali Vs State of Assam*** reported in ***2008 (4) GLT 1(FB)***. It is the case of the petitioner that a report was called thereafter on the genuineness of the work done and upon verification of the records, the process was on. However, in spite of such progress, the final payment has not been made.

Shri Dhar, learned counsel for the petitioner submits that the Public Works Department are under a bounden duty to release the amount which the petitioner is entitled to for completion/contractual works in question.

Shri B. Gogoi, the learned Standing Counsel, PWD submits that some delay has been caused due to verification of the claim of the petitioner which however has been found to be in his favour. He, therefore, prays for grant of some time to take steps for clearing the outstanding to the petitioner as directed by this Court in the earlier round of litigation.

In the aforesaid facts and circumstances, this Court is of the view that the writ petition is liable to be disposed of with a direction for payment of the contractual dues to the petitioner which has been found to be due after verification made by the PWD. In this regard, the Finance Department may also provide necessary assistance. The work being on the year 2011 and this being the second round of litigation, the aforesaid exercise be completed within a period of 4 (four) months from today.

Writ petition stands disposed of.

JUDGE

Comparing Assistant