

GAHC010084802021



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

Case No. : WP(C)/3888/2021

BIJAN KUMAR DAS
S/O- LT. MADAN CHANDRA DAS, R/O- SORBHOG TOWN, WARD NO-4, P.O.
AND P.S. SORBHOG, DIST.- BARPETA, ASSAM, PIN- 781317

VERSUS

NAVODAYA VIDYALAYA SAMITI AND 8 ORS
(AN AUTONOMOUS ORGANIZATION UNDER MINISTRY OF HRD) GOVT. OF
INDIA, REP. BY COMMISSIONER, PLOT NO- B-15 SECTOR-62, NOIDA A-
201307 (U.P)

2:THE DY. COMMISSIONER
NAVODAYA VIDYALAYA SAMITI
REGIONAL OFFICE- SHILLONG
LACHUMIERE
MEGHALAYA
SHILLONG
PIN- 793001

3:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPTT.
DISPUR
GHY-06

4:THE CHIEF ENGINEER
P.W.D (ROADS)
CHANDMARI
GHY-03

5:THE SUPERINTENDING ENGINEER
PWD (ROADS)

NALBARI ROAD CIRCLE
NALBARI
ASSAM
PIN- 781335

6:THE DY. COMMISSIONER BARPETA CUM CHAIRMAN
VIDYALAYA MANAGEMENT COMMITTEE
JAWAHAR NAVODAYA VIDYALAYA
SORBHOG
BARPETA
ASSAM
PIN- 781301

7:THE EXECUTIVE ENGINEER P.W.D
BARPETA RURAL ROAD DIVISION
BARPETA DISTRICT ASSAM
PIN- 781301

8:THE ASSTT. EXECUTIVE ENGINEER
SORBHOG RURAL ROAD SUB-DIVISION
SORBHOG
DIST.- BARPETA ASSAM
PIN- 781317

9:THE PRINCIPAL
JAWAHAR NAVODAYA VIDYALAYA
SORBHOG
DIST.- BARPETA ASSAM
PIN- 78131

For the Petitioner(s) : Mr. K. R. Patgiri, Advocate

For the Respondent(s) : Ms. R. S. Choudhury, Advocate
: Mr. B. Choudhury, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 17.08.2023

1. The Petitioner herein has filed the instant writ petition being aggrieved by the inaction on the part of the Respondent Nos. 1 and 2 in releasing the

admitted liabilities amounting to Rs.13,58,297/- and as such have sought for a direction for release of the said amount along with interest @18% per annum.

2. It reveals from a perusal of the writ petition that the Respondent No.9 had already released the said amount to the Respondent No.7 to which the Petitioner is entitled to. However, the Respondent No.7 in the meantime has only released an amount of Rs.12,83,648/- but an amount of Rs.2,30,831/- still remains payable to the Petitioner.

3. This Court while taking up the matter on 16.08.2023 had directed Mr. B. Choudhury, the learned counsel for the PWD to obtain the instruction as to when the said amount of Rs.2,30,831/- would be released to the Petitioner taking into account that the amount has already been disbursed by the Respondent No.9 to the Respondent No.7.

4. Today, when the matter has been taken up, Mr. B. Choudhury, the learned counsel submits that within a period of 3 (three) months from today, the said amount would be released. Taking into account that the Respondent No.9 has already released the amount to the PWD Authorities and the PWD Authorities are duty bound to release the said amount to the Petitioner, this Court directs the PWD Department and more particularly the Respondent No.7 to release the amount of Rs.2,30,831/- by 16.11.2023.

5. It is made clear that if the Respondent No.7 fails to disburse the said amount to the Petitioner as directed, interest @18% would be leviable on the said amount from the date of the default and the said interest be paid by the PWD Department which shall be recovered from the salary of the present incumbent holding the post of Respondent No.7.

6. A certified copy of this instant order be furnished by the Registry of this

Court to Mr. B. Choudhury for onward information to the Respondent No.7 for needful compliance.

7. The instruction so produced by Mr. B. Choudhury, the learned counsel is kept on record and marked with the letter "X".

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

JUDGE

Comparing Assistant