

GAHC010092072020



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

Case No. : WP(C)/2773/2020

RAJU KR. DAS
S/O- BIREN CHANDRA DAS, VILL- SARUDOBA, P.O. AND P.S. NAGARBERA,
DIST.- KAMRUP, ASSAM, PIN- 781127

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECY. TO THE GOVT. OF ASSAM, PHE DEPTT., DISPUR, GHY-
06

2:THE CHIEF ENGINEER
(PHE) HENGRABARI HEALTH COMPLEX
GHY-36

3:THE SUPERINTENDING ENGINEER
(PHE)
BAMUNIMAIDAN
GHY-21

4:THE EXECUTIVE ENGINEER
(PHE)
BAMUNIMAIDAN
GHY-21

5:THE ASSTT. EXECUTIVE ENGINEER (PHE)
BOKO SUB-DIVISION
BOKO DIST.- KAMRUP
ASSAM PIN- 78112

Advocate for the Petitioner : MR. J AHMED

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
ORDER**

21.06.2023

Heard Ms. A. Hussain, learned counsel for the petitioner and Mr. R.R. Gogoi, learned Standing Counsel, Public Health Engineering [PHE] Department for all the respondents.

2. It is the case of the petitioner that the respondent no. 4 issued two work orders vide, [i] no. EE/PHE/GHY/WS-734/2013-14/13080 dated 30.12.2013; and [ii] no. EE/PHE/GHY/WS-734/2014-15/13080 dated 11.07.2014 in favour of the petitioner to execute two nos. of contract-works. The work order dated 30.12.2013 was for site development for construction of different unit, construction of raw water cum clear water pump house on the UGR providing pre-painted GI roof on tubular truss, etc. The work order dated 11.07.2014 was for construction of boundary wall heavy duty iron gate including painting of wall all complete and construction of approach road at Jamlai Islampur PWSS under NRDWP, etc.

3. According to the petitioner, he had executed both the contract-works and submitted final bills for the said two contract-works amounting to Rs. 23,57,124/- and Rs. 3,31,499/- respectively, that is, Rs. 26,88,623/- in total. It is stated that the respondent PHE Department authorities, till the time of institution of the writ petition, have disbursed an amount of Rs. 22,43,500/- out of the total bill amounting to Rs. 26,88,623/-, thus, leaving an amount of Rs. 4,45,123/- to be disbursed to the petitioner till date. The petitioner has stated that last payment was made to the petitioner on 28.07.2017. Seeking a direction to the respondent authorities to release the balance amount of Rs. 4,45,123/-, the petitioner has preferred the instant writ petition.

4. Mr. Gogoi, learned Standing Counsel, PHE Department has submitted that though an amount of Rs. 26,88,623/- is stated to have been released by the respondent PHE Department authorities, the matter regarding release of balance amount of Rs. 4,45,123/- needs examination and verification of the concerned records at the end of the Head of the Department, that is, the Chief Engineer, Public Health Engineer [PHE], Assam [the respondent no. 2]. Submitting so, Mr.

Gogoi has submitted that the writ petition can be disposed of at this stage with a direction to the respondent no. 2 to examine and verify the claim of the petitioner within a reasonable time period and thereafter, to process the claim of the petitioner for the amount for which the petitioner is found entitled after such examination and verification and in the light of the direction contained in the Full Bench judgment of this Court rendered on 29.09.2008 in Writ Appeal no. 484/2005 [Tamsher Ali & Ors. vs. State of Assam & Ors.], reported in 2008 [4] GLT 1 [FB] and similar other 194 writ petitions.

5. Ms. Hussain, learned counsel for the petitioner has submitted that the writ petition can be disposed of in the manner, submitted by Mr. Gogoi, learned Standing Counsel, Public Health Engineering [PHE] Department.

6. In view of the above submissions made by the learned counsel for the parties after arriving at the broad consensus in the afore-stated manner, this writ petition instead of keeping it pending, is disposed of at the admission stage itself, with a direction to the respondent no. 2, that is, the Chief Engineer, PHE Department, Assam to examine and verify the claim of the petitioner within 45 [forty-five] days from the date of receipt of a certified copy of this order and if after such examination and verification, the petitioner is found entitled to the amount of Rs. 4,45,123/-, as claimed by the petitioner or any other amount, the respondent no. 2 shall process the claim of the petitioner for disbursement of such amount in accordance with law and in the light of the direction contained in Tamsher Ali [supra]. The petitioner shall, after obtaining the certified copy of this order, place the same before the respondent no. 2 for doing the needful from his end.

7. With the observation made and the direction given above, the writ petition stands disposed of. No cost.

JUDGE

Comparing Assistant