

GAHC010104982018



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

Case No. : WP(C)/3313/2018

RAMAWTAR AGARWALA
S/O- BAJRAG LAL AGARWALA, R/O- DUCCAPATTY, NAGAON, DIST-
NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF
ASSAM, PWD (B AND NH) DEPTT, GOVT OF ASSAM, DISPUR, GUWAHATI- 6

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT OF
ASSAM
PWD (B AND NH) DEPTT
GOVT OF ASSAM
DISPUR
GUWAHATI- 6

3:THE CHIEF ENGINEER
PWD (BUILDING)
ASSAM
CHANDMARI
GUWAHATI-3
ASSAM

4:THE EXECUTIVE ENGINEER
PWD
NAGAON (BUILDING)
NAGAON
ASSAM

5:THE EDUCATION (HIGHER) DEPTT
REP. BY ITS COMMISSIONER AND SECRETARY

DISPUR
GUWAHATI-06

6:THE DIRECTOR OF HIGHER EDUCATION
KAHILIPARA
GUWAHATI- 1

Advocate for the Petitioner : MR G N SAHEWALLA
Advocate for the Respondent : GA, ASSAM.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI
ORDER**

11.12.2023

Heard Shri GN Sahewalla, learned Senior Counsel assisted by Shri M. Sahewalla, learned counsel for the petitioner. Also heard Shri D. Upamanyu, learned Standing Counsel, Higher Education Department whereas the PWD is represented by Ms. M. Das, learned Standing Counsel.

2. Considering the subject matter and also the fact that this writ petition is pending since the year 2018, the same is taken up for disposal at the admission stage itself.

3. The petitioner was allotted certain works for which the some dues were pending. This let the petitioner to approach this Court on an earlier occasion by filing a WP(C)/4181/2015 which was disposed of by this Court vide an order dated 13.05.2016. This Court by the said order had referred the dispute to the Dispute Revenue Board (DRB) of the Department with a stipulation to consider and pass appropriate orders by the Board.

4. Consequent thereto, vide an award dated 05.08.2017, the DRB had disposed of the matter by directing payment of certain amounts by deducting some of the claim of the petitioners. The case of the petitioner is that they were not challenging the award of the DRB. However, the award itself has not been

honored till now and therefore the present writ petition has instituted.

5. The learned Senior Counsel for the petitioner has submitted that the amount having been adjudicated by a duly constituted Board, that too in accordance with a direction passed by this Court, the inaction on the part of the authorities in not fulfilling the award is absolutely unreasonable, arbitrary and illegal. He therefore prays for a direction for release of the awarded amount as it is already delayed by almost 6 years.

6. Shri Upamanyu, learned Standing Counsel, Higher Education Department as well as Ms. Das, learned Standing Counsel, PWD however submit that it is only due to lack of funds and other ancillary issues that the amount has not been able to be released.

7. Though lack of funds may be a relevant factor that cannot be a factor for which an award of the present nature can be refused to be complied with for time immemorial. In the instant case, this Court has noticed that first attempt of the petitioner for redressal of his grievance was in the year 2015 itself when he had filed the earlier writ petition and order was passed in the said writ petition referring the dispute to the Dispute Revenue Board which had ultimately passed an award on 05.08.2017. It is also the matter of concern that till now the award has not been fulfilled.

8. In view of the above, this writ petition is disposed of by directing that the awarded amount be released to the petitioner as expeditiously as possible and in any case within an outer limit of 60 days from today.

JUDGE

Comparing Assistant