

GAHC010230332022



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

Case No. : WP(C)/7525/2022

NIREN CH. TARAT
S/O- LATE NARESH CH. TARAT,
RESIDENT OF RABINDRA SARANI,
WARD NO. 4, HAILAKANDI TOWN,
P.O., P.S. AND DIST.- HAILAKANDI,
PIN- 788151.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
PUBLIC WORKS DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE CHIEF ENGINEER
P.W.D. ROADS
ASSAM
CHANDMARI
GUWAHATI- 781003.

3:THE EXECUTIVE ENGINEER
P.W.D. (ROADS) DIVISION
HAILAKANDI
PRESENTLY P.W.D.(ROAD)
HAILAKANDI DISTRICT TERRITORIAL ROADS DIVISION
HAILAKANDI- 788151.

4:THE ASSISTANT EXECUTIVE ENGINEER
P.W.D. RURAL (ROAD) SUB-DIVISION NO. I AND II

Advocate for the Petitioner : MS. S B CHOUDHURY

Advocate for the Respondent : SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 19-04-2023

Heard Ms. S.B. Choudhury, learned counsel for the petitioner and Mr. B. Choudhury, learned Standing Counsel, Public Works Department [PWD] for all the respondents.

2. It is the case of the petitioner that he being a registered Class-I [C] Contractor under the Public Works Department [PWD], Road Division, Hailakandi, had executed a number of contract-works pursuant to work orders issued to him by the respondent authorities in the Public Works Department [PWD] from time to time. The instant writ petition has been preferred with a grievance that the outstanding liabilities in respect of the contract-works, mentioned herein, have not been released to the petitioner till the date of filing of the writ petition.

3. Mr. Choudhury, learned Standing Counsel, PWD has submitted that as per the liability statement prepared in respect of the contract-works executed by the petitioner in the PWD, Hailakandi Division, the petitioner is entitled to an amount of Rs. 3,02,579/-. To substantiate his submission, he has placed two letters bearing nos. [i] CE/ADT[II]/47/2023/4 dated 24.03.2023 of the Additional Chief Engineer [Planning], PWD, [Roads], Assam, Guwahati-3 and [ii] ACC-1/2023/158/5565 dated 23.03.2023 of the Executive Engineer, PWD, Hailakandi District Territorial Road Division, Hailakandi.

4. From the letter bearing no. ACC-1/2023/158/5565 dated 23.03.2023 of the Executive Engineer, PWD, Hailakandi District Territorial Road Division, Hailakandi, it is noticed that the respondent authorities in the Public Works Department [PWD] has prepared a liability statement in respect of the outstanding dues of the petitioner and as per the liability statement, an amount of Rs. 3,02,579/- has remained outstanding to be paid to the petitioner in respect of contract-works executed by him. The name of the petitioner has figured at serial no. 90 in the register prepared in respect of the Hailakandi District Territorial Road Division,

Hailakandi.

5. Ms. Choudhury, learned counsel for the petitioner and Mr. Choudhury, learned Standing Counsel, PWD have, in similar lines, submitted that since an amount of Rs. 3,02,579/- is admittedly due and the said amount could not be released due to paucity of fund, the instant case is squarely covered by 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.

6. In view of the above submissions made by the learned counsel for the parties, this writ petition is disposed of at the admission stage itself with a direction to the respondent no. 2 i.e. the Chief Engineer, PWD, Assam, to process the claim of the petitioner as regards disbursal of Rs. 3,02,579/- in accordance with law and in the light of the specific directions contained in **Tamsher Ali [supra]**.

7. The petitioner after obtaining a certified copy of this order shall place the same before the respondent no. 2 i.e. the Chief Engineer, PWD, Assam for doing the needful from his end.

8. The writ petition stands disposed of in terms of the above directions.

9. The copies of the letter no. CE/ADT[II]/47/2023/4 dated 24.03.2023 and letter no. ACC-1/2023/158/5565 dated 23.03.2023 are kept as part of the record.

JUDGE

Comparing Assistant