

GAHC010249192022



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

**Case No. : WP(C)/7845/2022**

ASLAM TARIQ RAHMAN  
S/O LATE DR. MUHIBUR RAHMAN, R/O SOUTH AMOLAPATTY, P.O.-  
MOHANAGHAT, P.S.-DIBRUGARH, DIST-DIBRUGARH, ASSAM-786008

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,  
IRRIGATION DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI-6

2:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM  
FINANCE DEPARTMENT  
ASSAM SECRETARIAT  
DISPUR  
GUWAHATI-6

3:CHIEF ENGINEER  
IRRIGATION DEPARTMENT  
GOVERNMENT OF ASSAM  
CHANDMARI  
GUWAHATI-3  
ASSAM

4:SUPERINTENDING ENGINEER  
IRRIGATION DEPARTMENT  
DIBRUGARH CIRCLE  
IRRIGATION DIVISION  
DIBRUGARH  
ASSAM  
PIN-786001

5:EXECUTIVE ENGINEER  
DIBRUGARH DIVISION (IRRIGATION)  
DIBRUGARH

ASSAM  
PIN-786001

6:ASSISTANT EXECUTIVE ENGINEER  
DIBRUGARH DIVISION (IRRIGATION)  
DIBRUGARH  
ASSAM  
PIN-78600

**Advocate for the Petitioner** : MR. N J GOGOI

**Advocate for the Respondent** : SC, IRRIGATION

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

**ORDER**

**Date : 24-02-2023**

Heard Mr. N.J. Gogoi, learned counsel for the petitioner and Ms. D.S. Neog, learned Standing Counsel, Irrigation Department for all the respondents.

2. The petitioner has instituted the writ petition under Article 226 of the Constitution of India stating that he is a registered Class-I[A] Contractor under the Irrigation Department, Dibrugarh, Government of Assam and as such Contractor, he executed a number of works on behalf of the respondent authorities in the Irrigation Department. It is stated that by a work order bearing memo no. DD[I]/Tech/CS-I/14/2020-21/366 dated 24.02.2021, the petitioner was awarded a contract work – “Regularisation of work for survey and documentation work of the scheme Sessa LIS under AIBP [Minor] for the year 2013-14” [‘the Contract-Work’, for short] at a contract value of Rs. 2,35,400/- [approx.]. On being awarded the Contract-Work, he proceeded to execute the same and completed the same on 25.02.2021. After executing the work, he had submitted the final bill for an amount of Rs. 2,35,400/- on 25.02.2021. When despite repeated approaches for disbursal of the said amount, the respondent authorities has not taken any discernible action for release of the same, the petitioner has stated to have approached by filling his application seeking **inter alia** a direction to the respondent authorities in the Irrigation Department to disburse the amount of Rs. 2,35,400/- to him.

3. Ms. Neog, learned Standing Counsel, Irrigation Department has submitted, on instruction, that the amount of Rs. 2,35,400/-, as claimed by the petitioner, appears to be an admitted liability but yet, the same is required to be examined. It is further submitted by Mr. Neog that the amount could not be disbursed to the petitioner till date due to paucity of fund. It is, thus, submitted by Ms. Neog that 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 and, as such, the respondent authorities will process the claim of the petitioner in light of the principles enunciated in the aforesaid judgment.

4. Mr. Gogoi, learned counsel for the petitioner has submitted that the respondent authorities may be directed to take immediate action for disbursement of the amount of Rs. 2,35,400/- [Rupees Two Lakhs Thirty Five Thousand Four Hundred] immediately, in terms of the principles laid down in **Tamsher Ali** [supra].

5. 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. 3 i.e. the Chief Engineer, Irrigation Department, Assam to examine the claim of the writ petitioner within a period of 45 days from the date of receipt of a certified copy of this order and then, the concerned respondent authorities will process the claim of the petitioner as regards disbursement of Rs. 2,35,400/- [Rupees Two Lakhs Thirty Five Thousand Four Hundred] in accordance with law and also in the light of the directions contained in **Tamsher Ali** [supra].

6. The petitioner after obtaining a certified copy of this order shall place the same before the respondent no. 3 i.e. the Chief Engineer, Irrigation Department, Assam for doing the needful from his end.

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

8. No order as to cost.

**JUDGE**

**Comparing Assistant**