

GAHC010263752023



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

Case No. : WP(C)/6811/2023

PRASANTA BORTHAKUR
S/O- LATE GIRINDRA NATH BORTHAKUR, R/O- OPPOSITE TO INDOOR
STADIUM, KALIBARI ROAD, SIVASAGAR, DIST. SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT
(PHE), DISPUR, GUWAHATI-6.

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

3:THE CHIEF ENGINEER

PUBLIC HEALTH ENGINEERING (PHE) HANGRABARI
GUWAHATI-36
KAMRUP(M)
ASSAM

4:THE SUPERINTENDING ENGINEER (PHE)

DIBRUGARH CIRCLE
DIBRUGARH.

5:THE EXECUTIVE ENGINEER

PUBLIC HEALTH ENGINEERING (PHE)

SIVASAGAR DIVISION
SIVASAGAR

For the petitioner (s) : Mr. S. Bora, Advocate

For the respondent (s) : Mr. R. R. Gogoi, SC, PHE
Mr. P. Nayak, SC, Finance

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

24.11.2023

The instant writ petition is filed by the petitioner challenging the inaction on the part of the respondent authorities in releasing the dues, i.e. Rs.7,52,378/- to which the petitioner is entitled to upon completion of various works allotted to him by the respondent No.4, i.e. the Superintendent Engineer (PHE), Dibrugarh Circle and the respondent No.5, i.e. the Executive Engineer, PHE, Sivasagar.

2. The case of the petitioner herein is that the respondent authorities issued several work orders to the petitioner for installation of pumps which are detailed herein below:-

Sl. No.	Nature of Work	Amount (Rs.)	Status
1	Work order No. SE/PHE/DIB/TB-71/2015-16 dated 04.08.15 for supply and installation of electric driven centrifugal pump sets with motor for Duwara Kalibartta pass under SOPD for the year 2013-14 under Sivasagar (PHE) Division issued by the Superintending Engineer (PHE), Dibrugarh Circle.	77,880.00	Completed

2	Work order No. 5 SE/PHE/DIB/TB-71/2015-16/1979 dated 04.08.15 for supply and installation electric driven submersible pump sets with Motor for, Duwara Kalibartta pass under SOPD for the year 2013 -14 under Sivasagar (PHE) Division issued by the Superintending Engineer (PHE), Dibrugarh Circle.	55,814.00	Completed
3	Work order No. PHEE/SIV/315/2018-19/2353 dated 20.11.19 laying of Raw water pumping main aeration arrangement including installation of Raw water pump set at Duwarah Koiborta W/S/S issued by the Executive Engineer (PHE), Sivasagar Division, Sivasagar valued as Rs. 55,079.00/.	55,079.00	Completed
4	Work order No. PHEE/SIV/325/2018-19/2390 dated 22.11.19 for supply and charging of filter media at Duwarah Koiborta W/S/S valued at Rs. 60,010,00/-	60,010.00	Completed
5	Work order No. PHEE/SIV/WS-325/2020-21/4332 dated 28.03.20 for supply of materials valued at Rs. 3,35,714.00	3,35,714.00	Completed
6	Work order No. PHEE/SIV/WS-325/2018-19/2367 dated 20.07.20 for providing lighting arrangement at the scheme campus at Duwarah Koiborta W/S/S valued at 65,975.00	65,869.00	Completed
7	Work order No. PHEE/SIV/WS-325/2020-21/2725 dated 27.07.20 external electrification of clear water pump house at Duwarah Koiborta W/S/S/ valued at Rs.31.679.00	31,679.00	Completed
	Work order No. PHEE/SIV/WS-325/2022-23/5510 dated 31.08.22 for construction of brick wall for		

8	holding pipes used for inter connection between T & UGR and clear water pumping main at Duwarah Koiborta P/W/S/S/ valued at Rs. 13,129.00	12,232.00	Completed
9	Work order No. PHEE/SIV/WS-325/2022-23/5514 dated 31.08.22 for construction of bath cum low cost latrine 2 (two) Pit with superstructure at Duwrah Koiborta, WSS valued at Rs. 58,101/-	58,101.00	Completed

3. It is alleged by the petitioner that the respondent authorities upon completion of the works, issued completion certificate and having completed the works allotted to the petitioner, the petitioner submitted the bills amounting to Rs.7,52,378/-. The respondent authorities however have not released the outstanding dues to the petitioner. It is under such circumstances, the instant writ petition has been filed.

4. Mr. R. R. Gogoi, the learned counsel appearing on behalf of the PHE Department admits that the works in question were allotted to the petitioner. The learned counsel for the respondent PHE however submits that the actual entitlement of the petitioner would be dependent upon further verification to be carried out by the respondent authorities.

5. Upon perusal of the materials on record, this Court is of the opinion that if the petitioner had completed the works in question, the petitioner would be entitled to the amount as claimed. The respondent authorities having availed the works from the petitioner cannot deprive the petitioner of his entitlement. However, to ascertain the actual entitlement, verification on the part of the respondent authorities would be required.

6. This Court, therefore, disposes of the instant writ petition with a direction to the respondent authorities and more particularly to the Chief Engineer, PHE to verify the entitlement of the petitioner. This Court further directs that upon verification, if it is found that the petitioner is entitled to, the amount claimed or any part thereof, the respondent authorities shall pay to the petitioner his entitlement. The said exercise be completed within a period of 6 (six) months from the date a certified copy of the instant order is served upon the Chief Engineer (PHE), Dibrugarh Circle, Dibrugarh.

JUDGE

Comparing Assistant