

GAHC010019162024



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

Case No. : WP(C)/711/2024

ABHIJIT NATH
S/O- LT. NAGENDRA CHANDRA NATH, R/O- TARAPUR UKIL BAZAR, P.O.
TARAPUR, P.S. TARAPUR, DISTRICT- CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PWD
DEPARTMENT, DISPUR, GUWAHATI-06

2:THE CHIEF ENGINEER
PWD ROADS CHANDMARI
GUWAHATI- 781003

3:SUPERINTENDING ENGINEER
PWD (ROADS)
CACHAR CIRCLE
SILCHAR
IN THE DISTRICT OF CACHAR
ASSAM

4:EXECUTIVE ENGINEER
PWRD SILCHAR AND UDHARBAND TERRITORIAL ROAD DIVISION
SILCHAR
IN THE DISTRICT OF CACHAR
ASSAM

5:THE ASSISTANT EXECUTIVE ENGINEER
PWRD UDHARBAND TERRITORIAL ROAD SUB-DIVISION
UDHARBAND
P.O. UDHARBAND
P.S. UDHARBAND

IN THE DISTRICT OF CACHAR
ASSA

Advocate for the Petitioner : MR. B HUSSAIN, MR A SHARMA,MR R S CHAUHAN

Advocate for the Respondent : SC, PWD,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

25.11.2024

1. Heard Mr. A. Sarma, learned counsel for the petitioner, who submits that the petitioner had done the work of repairing/maintenance of Khaspur-Bager Kona Road under Udharband L.A.C. in the year 2011. However, the petitioner has not been paid his remaining contractual dues amounting to Rs.1,96,042/- and Security Deposit of Rs.88,000/-.

2. Ms. R.M. Barooah, learned counsel appearing on behalf of Mr. B. Gogoi, learned counsel for the PWD has submitted letter no.SUTRD/WP(C)711/2024-25/98 dated 17.08.2024 issued by the Executive Engineer, PWRD, Silchar & Udharbond Territorial Road Division, Silchar and addressed to the Chief Engineer, PWD (Roads), Assam, Chandmari, which is to the effect that as per the record, bill amounting to Rs.1,96,147/- remains unpaid to the petitioner. Also Government approval is to be obtained for payment of the Security Deposit. The learned counsel submits that in view of the letter dated 17.08.2024, the State respondents should be given sometime to obtain Government approval for payment of the admitted dues of the petitioner.

3. I have heard the learned counsels for the parties.
4. The letter dated 17.08.2024 issued by the Executive Engineer, PWRD, Silchar & Udharbond Territorial Road Division, Silchar is made a part of the record and marked as Annexure-X.
5. The parawise reply in the said letter dated 17.08.2024 is reproduced hereinbelow, as follows :

“Para wise reply are as follows:

- 1. No Comment.*
- 2. Yes work awarded to him as per Provision.*
- 3. No Comment.*
- 4. Reasoning his sickness as informed by the Petitioner his case was Considered work finalized in incomplete stage as he could not able to Complete.*
- 5. Contractor was benefitted with a part payment as per Govt. released F.O.C. twice.*
- 6. Same as per No.4 & the 2nd running bill also Paid. But, no prayer submitted by him for clearing balance etc. in earlier days even after finalization of work.*
- 7. As per record, Bill amounting remains un paid is only Rs. 196147.00 & the amount in Question against Security Deposit Govt. approval is to be obtained.*
- 8. Yes, prayer for Security Deposit release submitted by the petitioners on September/ 2023 first.*
- 9. Same as Para No.8.*
- 10. No Comment.*

11. Both the amount in Question required Govt. approval now separately and as the system of releasing payment has been Modified after introducing on-line payment system his payment could be cleared by submitting demand.

12.No Comment.

13. No Comment.

14. No Comment.

15. No Comment.

16. No Comment.

This is for favour of your kind information & necessary action.

Enclo: (one) photocopy of Final Bill"

6. In view of the above letter dated 17.08.2024 and submission made by the counsel for the PWD, wherein the respondents admit that the petitioner is entitled to be paid his contractual dues, the respondents are directed to start the process of payment of the unpaid contractual dues of the petitioner amounting to Rs.1,96,147/-, along with the unpaid Security Deposit, after obtaining Government approval and the funds. The entire exercise should be concluded within a period of 3 (three) months from the date of receipt of a certified copy of this order.

7. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant