

GAHC010035692024



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

Case No. : WP(C)/1042/2024

MRINAL DAS
S/O- SRI DHONIRAM DAS, VILL.- NO. 1 MOHAIJAN, P.O. MOHAIJAN P.S.
NORTH LAKHIMPUR, DISTRICT- LAKHIMPUR, PIN- 787032

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER, PANCHAYAT AND RURAL
DEVELOPMENT DEPARTMENT TO THE GOVT OF ASSAM, PANJABARI,
JURIPAR, GUWAHATI- 781037

2:THE DISTRICT COMMISSIONER CUM DISTRICT PROGRAMME
COORDINATOR
MGNREGA
DIST.- LAKHIMPUR
NORTH LAKHIMPUR
PIN- 787001

3:THE CHIEF EXECUTIVE OFFICER
LAKHIMPUR ZILA PARISHAD
NORTH LAKHIMPUR
DISTRICT- LAKHIMPUR
PIN- 787001

4:THE PROJECT DIRECTOR
DRDA
LAKHIMPUR
NORTH LAKHIMPUR
PIN- 787001

5:THE BLOCK DEVELOPMENT OFFICER
LAKHIMPUR DEVELOPMENT BLOCK

NORTH LAKHIMPUR
DIST.- LAKHIMPUR
PIN- 78700

Advocate for the Petitioner : MR. M K NEOG

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

28.02.2024

1. Heard Mr. M.K. Neog, learned counsel for the petitioner, who submits that the petitioner was issued various contract work order pertaining to 2 (two) Schemes under the MGNREG 2021-2022 under Lakhimpur G.P. and Azad G.P.

2. The petitioner's counsel submits that in respect of the work orders given to the petitioner in respect of Azad G.P. under the Scheme "Rased Plateform at Lohan Gaon near Namghar under MGNREGA 2021-2022" and in respect of the work orders given under the Lakhimpur G.P. under the Scheme "Earth Filling and Land Development at proposed site of PMAY-G Colony at o.2 Kalioni under MGNREGA 2021-2022", the State respondents have not paid the petitioner his outstanding liabilities amounting to Rs.28,26,895/- till date. He submits that as per the "List of Pending Material Bill under the MGNREGA from the FY 2020-2021 to 2022-2023 of Lakhimpur Development Block" signed by the Block Development Officer (BDO), Chief Executive Officer, Lakhimpur Zilla Parishad and D.C. & D.P.C, NREGS, Lakhimpur, which has been forwarded by the BDO, Lakhimpur Development Block to the Project Director, DRDA, Lakhimpur, vide

letter dated 09.10.2023, the claim made by the petitioner has been admitted as his Work Code, Work Name, Bill No. and pending Amounts have been reflected at Sl. No.7, 8, 78 to 90.

3. The petitioner's counsel thus submits that a direction should be issued to the respondents to pay to the petitioner the admitted liability amount.

4. Mr. S. Dutta, learned counsel appearing for the P&RD Department and Mr G. Bokalia, learned counsel appearing for the respondent no.2 submit that in terms of the judgment of the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***, the approval for payment of outstanding liability would have to come from the Head of the Department, i.e., the Commissioner, P&RD Department, Government of Assam. He Accordingly submits that if a verification is done by the Commissioner, P&RD Department, Government of Assam to the "List of Pending Material Bill which has been annexed to the letter dated 09.10.2023 issued by the BDO, Lakhimpur Development Block" and the same is admitted, the admitted amount can be paid to the petitioner.

5. In the case of ***Tamsher Ali (supra)***, the Full Bench of this Court has held that the contract amount payable would have to be approved/admitted by the Head of the Department. As the Commissioner, P&RD Department, Government of Assam is the Head of the Department in which the petitioner had worked, this Court directs the Commissioner, P&RD Department, Government of Assam to re-verify the List of Pending Material Bill under MGNREGA, which is annexed

to the letter dated 09.10.2023 issued by the BDO, in relation to the petitioner's claim only, i.e., Sl No.7, 8, 78 to 90. If upon verification, it is found that the petitioner is entitled to some outstanding amount, the admitted liability should be paid by the respondents. The entire exercise should be concluded within a period of 2 (two) months from the date of receipt of a certified copy of this order.

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant