

GAHC010049082022



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

Case No. : WP(C)/2079/2022

CHARABARI PABANJYOTI NGO
A NON GOVERNMENTAL ORGANIZATION, REP. BY ITS PRESIDENT/
SECRETARY ASURUDDIN AHMED, AGED ABOUT 45 YEARS,
S/O- SHORAB AHMED
VILL- CHARABARI, P.O- KHOPANIKUCHI, P.S-HAJO, PIN- 781102, DIST-
KAMRUP (R), ASSAM

VERSUS

THE STATE OF ASSAM AND 11 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC HEALTH ENGINEERING DEPARTMENT CUM THE MISSION
DIRECTOR, SBM (G) ASSAM, HENGRABARI GUWAHATI, PIN-781036

2:THE CHIEF ENGINEER

PUBLIC HEALTH ENGINEERING AND SANITATION DEPARTMENT
ASSAM
HENGRABARI
GUWAHATI-781036

3:THE CHAIRMAN
KDWSC CUM DEPUTY COMMISSIONER (R)
KAMRUP
AMINGAON

4:THE MEMBER SECRETARY
KDWSC CUM EXECUTIVE ENGINEER (PHE) GUWAHATI DIVISION- I

5:THE ASSOCIATE MEMBER SECRETARY
KDWSC CUM EXECUTIVE ENGINEER (PHE) RANGIA DIVISION
RANGIA

6:THE CHAIRMAN
MADHYA PANDURI VWSC CUM PRESIDENT MADHYA PANDURI GAON
PANCHAYAT

7:THE CHAIRMAN
KAYAN BARPULLA VWSC CUM PRESIDENT KAYAN BARPULLA GAON
PANCHAYAT

8:THE CHAIRMAN
BICHANNALA VWSC CUM PRESIDENT BICHANNALA GAON PANCHAYAT

9:THE MEMBER SERETARY
MADHYA PANDURI GAON PANCHAYAT/ WATER SANITATION COMMITTEE

10:THE MEMBER SECRETARY
KAYAN BARPULLA GAON PANCHAYAT/ WATER SANITATION COMMITTEE

11:THE MEMBER SECRETARY
BICHANNALA GAON PANCHAYAT/ WATER SANITATION COMMITTEE

Advocate for the Petitioner : MR. A K SARMA

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

10.06.2024

Heard Mr. A. Gohain, learned counsel for the petitioner. Also heard Ms. S. Baruah, learned Government Advocate and Mr. I. Borthakur, learned Standing Counsel, PHE Department.

2. This writ petition has been filed by the petitioner seeking directions from this Court for release of payments in respect of works executed by the petitioner.

3. The Petitioner was awarded the following works:

(i) Construction of low cost individual household latrine under Sashwa Bharat Mission vide No. SA.KA.AO/Rangia/Sashwa Bharat Mission/59/2016-17/9867 dated 23.03.2017;

(ii) Construction of low cost individual household latrine under Sashwa Bharat Mission Vide No. SA.KA.AO/Rangia/Sashwa Bharat Mission/59/2016-17/11233 dated 31.03.2017;

(iii) Construction of low cost individual household latrine under Sashwa Bharat Mission vide No. SA.KA.AO/Rangia/Sashwa Bharat Mission/59/2016-17/7389 dated 28.02.2017;

(iv) Construction of low cost individual household latrine under Sashwa Bharat Mission vide No. SA.KA.AO/Rangia/Sashwa Bharat Mission/59/2016-17/1136 dated 11.08.2017; and

(v) Construction of low cost individual household latrine under Sashwa Bharat Mission vide No. SA.KA.AO/Rangia/Sashwa Bharat Mission/59/2016-17/11241 dated 31.03.2017

4. In pursuance to which, the petitioner duly executed all the works allotted and submitted his bills. The bills which were raised remained pending and the amount of Rs. 18,60,000/- (Rupees Eighteen Lakh Sixty Thousand Only) is yet to be released. The petitioner represented before the authority requesting for release of his pending dues but no response was forthcoming from the respondent authority. Under such circumstances, left with no alternative, the petitioner has come before this Court praying for a direction for release of the said amount.

5. Having heard the learned counsel for the parties and upon perusal of the pleadings on record, it is seen that the bills have been raised and the amount required to be paid is clearly reflected. Details of work executed are also reflected.
6. Under such circumstances, this Court finds that the works executed and the claims raised by the petitioner are admitted by the department. Therefore it appears that the claims of the petitioner in respect of dues were kept pending without any justifiable reasons. Accordingly this writ petition is disposed of with a direction to the respondent No. 2, Chief Engineer, Public Health Engineering, Sanitation, Hengrabari, Guwahati, to look into the grievances of the petitioner. The Chief Engineer will cause necessary verification into the claims of the writ petitioner to be conducted and thereafter, take steps as expeditiously as possible for release of the amount claimed to be pending and required to be paid by the Department.
7. The outstanding dues found if payable after verification will be made to the petitioner will be in terms of the guidelines laid down in *Tamsher Ali and Ors Vs. State of Assam and Ors* reported in 2008 (4) GLT 1,
8. The entire exercise is directed to be completed within a period of 60 days from the date of receipt of the certified copy of this order.
9. Accordingly, the writ petition stands disposed of in terms of the above.

JUDGE