

GAHC010049142022



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

Case No. : WP(C)/2046/2022

RAHINO MULTI-PURPOSE DEVELOPMENT SOCIETY
(A NON GOVERNMENTAL ORGINIZATION), REPRESENTED BY ITS
PRESIDENT NURUL ISLAM, AGED ABOUT 50 YEARS, S/O- LATE
HANIFUDDIN AHMED, VILL.- BARKURIHA, P.O. TITKURI, DIST.-
KAMRUP(R), ASSAM, PIN- 781354.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY, PUBLIC
HEALTH ENGINEERING CUM THE MISSION DIRECTOR, SBM (G), ASSAM,
HENGRABARI, GUWAHATI-36.

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
SANITATION
HENGRABARI
GUWAHATI-36.

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

4:THE MEMBER SECRETARY
KDWSC CUM EXECUTIVE ENGINEER (PHE)
GUWAHATI DIVISION NO. 1.

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

6:THE CHAIRMAN HARDUTTA VWSC CUM PRESIDENT
HARDUTTA GAON PANCHAYAT.

7:THE MEMBER SECRETARY
HARDUTTA GAON PANCHAYAT/ WATER SANITATION COMMITTEE

Advocate for the Petitioner : MR. A K SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 19-06-2024

Heard Mr. D. Kalita, learned counsel for the petitioner. Also heard Mr. I. Borthakur, learned Standing Counsel for PHE, as well as Mr. K. Gogoi, learned Additional Senior Government Advocate for respondent No. 3.

By filing the instant petition under Article 226 of the Constitution of India, the petitioner is seeking payment of the outstanding dues amounting to Rs 2,88,000/- for the works done by the petitioner as for work order dated 30.03.2017 issued by the member Secretary Hardutta Gaon Panchayat, Water and Sanitation Committee (Respondent No. 6 and 7).

The facts of the case is that the Government of India initiated a project namely Sashwa Bharat Abhiyan or Sashwa Bharat Mission or Clean India Mission in 2014 to eliminate open defecation and improve solid waste of management. As per policy decision of the Union of India, Government of Assam also opened a department Sashwa Bharat Mission headed by its mission director. In collaboration with Public Health Engineering Department a massive project was initiated to construct low cost individual household latrine in the village areas

through various non-governmental organisation (NGO) and self help groups. In pursuant to the aforesaid vide SA.KA.AO/ Rangia/ Sashwa Bharat Mission/ 57/2017-18/777 dated 30.03.2017 construction of 24 no's of low cost individual household latrine was issued. Accordingly, the petitioner was allotted the subject work. After completion of the said works the petitioner submitted a respective bill for an amount of Rs. 2,88,000/- before the Chairman, Hardutta VWSC (Village Water Sanitation Committee). The said bill was duly counter signed by the Chairman Hardutta VWSC cum president Hardutta Gaon Panchayat and the Member Secretary, Hardutta Gaon Panchayat/ Water Sanitation Committee(Respondent Nos. 6 and 7). Despite of the same, the bill of the petitioner was not released for which the present writ petition was filed.

Heard the parties perused the environments made in the writ petition.

It appears that both the petitioner has successfully completed the subject works. However, the bills of the petitioner despite having been counter signed by the concerned authorities has not been released till date. Non releasing of contractual bills is in violation of Article 21 of the Constitution of India.

Under such circumstances, this Court finds that the works executed and the claim raised by the petitioners are admitted by the Department. Therefore, it appears that the claim 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 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.

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 reported in 2008 (4) GLT 1*.

Needless to clarify that the entire exercise shall be completed within a period of 60 (sixty) days from the date of receipt of the certified copy of this order.

Accordingly, this writ petition stands disposed of in terms of above.

J U D G E

Comparing Assistant