GAHC010058412022

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

Case No. : WP(C)/2206/2022

SAFIKUL ISLAM
S/O LATE JAHIRUL ISLAM, R/O SUBHASH NAGAR, NEW GHAT, A.M. CO. ROAD, WARD NO. 12, P.S. AND DIST-DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT, DISPUR, GUWAHATI-6

2:THE STATE FINANCE COMMISSION
GOVT. OF ASSAM
DISPUR
GHY-37

3:THE CHIEF ENGINEER (PHE)
ASSAM
HENGERABARI
GHY-36

4:THE ADDL. CHIEF ENGINEER (PHE)
LOWER ASSAM ZONE
BAMUNIMAIDAM
GHY-21

5:THE EXECUTIVE ENGINEER (PHE)
DHUBRI DIVISION
DHUBRI
P.O. AND DIST-DHUBRI
ASSAM
PIN-783301

6:THE ASSISTANT EXECUTIVE ENGINEER (PHE)
HATSINGIMARI SUB-DIVISION
P.O. AND DIST-SOUTH SALMARA MANKACHAR
ASSAM
PIN

Advocate for the Petitioner : MR. N ALAM R K, MR. A RAHMAN

Advocate for the Respondent : SC, P H E, SC, FINANCE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 28.10.2024

Heard Mr. A. Rahman, learned Counsel for the petitioner. Also, heard Mr. R.R. Gogoi, learned Standing Counsel PHE and Mr. B. Gogoi, learned Standing Counsel Finance Department.

2. By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking release of the pending bill amount of Rs. 3,10,417/- (rupees three lakh ten thousand four hundred seventeen) only by disposing the representations dated 24/06/2019, 03/07/2019, etc. submitted by the petitioner.

3. The brief facts of the case is that after following all formalities, respondent authorities issued Work Orders (Annexure 1 to 5) for the work of installation of water pumps, RCC ring well coverage, TARA HAND PUMP etc. under the National Rural Drinking Water Program at various places within the district of Dhubri and South Salmara Mankachar. It is the specific case of the petitioner that upon successfully completion of the allotted work, the respondent authorities inspected the aforesaid works and issued work done

certificate certifying that the work has been completed by the petitioner as allotted. It is the further case of the petitioner that the outstanding bill amount of Rs. 3,10,417/- despite several representation has not been paid for which the present petition has been filed.

4. Mr. A. Rahman, learned Counsel for the petitioner submits that non release of the outstanding amount, amounts to deprivation of the fundamental rights guaranteed under Article 21 of the Constitution of India.

5. Mr. R.R. Gogoi, learned Standing Counsel PHE fairly submits that since the representations of the petitioner dated 24/06/2019 and 03/07/2019 (Annexure 8 and 9 to the writ petitioner) are pending before the respondent authorities, the instant writ petition can be disposed of with a direction to the respondent authorities to verify the claim of the petitioner and dispose the said representations in accordance with law.

6. Heard the learned Counsels for both the parties and perused the material available on record.

7. In view of the fact that the representations of the petitioner for release of the pending bill amount in question is still pending before the respondent authorities, this Court deems appropriate in the interest of justice to dispose of the instant writ petition with a direction to the respondent authorities to verify the claim of the petitioner and release the pending bill amount, if so entitled, in accordance with law within a period of 3 (three) months from the date of receipt of the

certified copy of the order.

8. Ordered accordingly.

9. Disposed of.

JUDGE

Comparing Assistant