

GAHC010058422022



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

Case No. : WP(C)/2147/2022

ABUL KALAM AZAD KHAN
S/O- LATE PIR MOHAMMAD KHAN, R/O- M. CO. ROAD, WARD NO. 14, 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 COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
HAVING ITS OFFICE AT DISPUR
GUWAHATI- 781006.

3:THE CHIEF ENGINEER (PHE)
ASSAM HENGRABARI
GUWAHATI-36.

4:THE ADDL. CHIEF ENGINEER (PHE)
LOWER ASSAM ZONE
BAMUNIMADAM
GUWAHATI-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
ASSA

Advocate for the Petitioner : MR. N ALAM R K

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 09.04.2024

Heard Mr. A. Rahman, learned counsel for the petitioner and Mr. I. Borthakur, learned Standing Counsel, PHE. Also heard Mr. P. Nayak, learned Standing Counsel, Finance Department.

The petitioner by filing this writ petition is seeking relief of the outstanding bill amount of Rs. 5,21,727/- relating to the works completed by the petitioner in connection with installation of Water Pumps, RCC Ring Well Coverage, Tara Hand Pumps etc., under the National Rural Drinking Water Programme at various places within the district of Dhubri, South Salmara, Mankachar.

The case of the petitioner is that after following all the formalities, the respondent authorities issued work orders, which are enclosed as Annexures 1 to 8 in the writ petition for the works of installation of Water Pumps, RCC Ring Well Coverage, Tara Hand Pumps etc., under the National Rural Drinking Water Programme at various places within the district of Dhubri, South Salmara, Mankachar.

It is the further case of the petitioner that upon successful completion of the said works, the respondent authorities inspected the aforesaid works done and issued completion certificate to the petitioner certifying that the petitioner has completed the subject works allotted to him satisfactorily.

It is the further case of the petitioner that thereafter the respondent authorities have also issued one pending bill statement mentioning the pending bills against each

of the works allotted to him. However, the outstanding bill amount of Rs.5,21,727/- has not been paid to the petitioner till date despite several representation of the petitioner.

Aggrieved by such inaction of release of the aforesaid outstanding amount, the present writ petition has been filed.

I have heard the submissions made at the Bar and perused the materials available on record. It appears that the petitioner by a representation dated 24.06.2019 requested the office of the Executive Engineer (PHE), Dhubri Division, Dhubri, to release the outstanding bill amount against the subject works to the petitioner. However, the said representation is still not been attended to.

In view of the above, this Court is of the considered view that for the ends of justice, this writ petition can be disposed of with a direction to the respondent authority, more particularly, the respondent No. 3, i.e., the Chief Engineer (PHE), Assam, to verify the claim of the petitioner and proceed in accordance with law within a period of one month from the date of receipt of a certified copy of this order.

This writ petition is accordingly disposed of.

JUDGE

Comparing Assistant