

GAHC010063072024



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

Case No. : WP(C)/1784/2024

PRASANTA BORTHAKUR
SON OF LATE GIRINDRA NATH BORTHAKUR, RESIDENT OF OPPOSITE TO
INDOOR STADIUM, KALIBARI ROAD, SIVASAGAR, DISTRICT- SIVASAGAR,
ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT
(PHE), DISPUR, GUWAHATI-6

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

3:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING (PHE) HANGARABARI
GUWAHATI-36
KAMRUP (M)
ASSAM

4:THE MEMBER SECRETARY
DWSC CUM EXECUTIVE ENGINEER (PHE)
SIVASAGAR

5:THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING (PHE)
SIVASAGAR DIVISION
SIVASAGAR

6:THE ASSISTANT EXECUTIVE ENGINEER
PUBLIC HEALTH ENGINEERING (PHE)
SIVASAGAR DIVISION
SIVASAGA

Advocate for the Petitioner : MR. S BORA

Advocate for the Respondent : SC, P H E

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

01.04.2024

Heard Mr. S. Bora, learned counsel for the petitioner, who submits that pursuant to work order No.MS/ DWSC/SIV/SR.-26(A)/2020-21/221 dated 27.05.2020, the petitioner made supplies and submitted his bill amounting to Rs.4,41,320/-. The respondents having released Rs.3,49,528/- the remaining amount of Rs.91,712/- is still payable to the petitioner.

2. The petitioner's counsel submits that in terms of the letter issued by the Assistant Executive Engineer, Sivasagar Sub-Division to the Executive Engineer (PHE), Sivasagar Division dated 03.08.2021, the admitted amount payable to the petitioner is Rs.91,712/-. He accordingly prays that a direction may be issued to the respondents to pay the said amount.

3. Ms. M. Kalita, learned counsel appearing for the PHE Department and Ms. R.M. Baruah, learned counsel for the respondent No.2 submit that the petitioner can be paid his admitted dues, only after a re-verification is done by the respondent authorities.

4. On considering the submissions made by the counsels for the parties, this Court directs that in terms of the judgment of this Court in the case of ***Tamsher Ali and Etc. Etc Vs. State of Assam and Ors , reported in 2008 (4) GLT 1***, the Chief Engineer, PHE Department shall verify as to the amount payable to the petitioner. Thereafter, the admitted amount shall be paid to the petitioner. The entire exercise should be concluded within a period of 8(eight) weeks from the date of receipt of a certified copy of this order.
5. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant