

GAHC010072732022



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

Case No. : WP(C)/2853/2022

MD TAIBUR RAHMAN LASKAR
S/O- LT. ABDUL MANNAF LASKAR, R/O AZAD NAGAR, P.O. AND P.S.
NAGAON (SADAR), DIST.- NAGAON, ASSAM.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, HOME DEPTT.,
DISPUR, GHY.- 06.

2:THE DIRECTOR GENERAL OF POLICE
ASSAM
ULUBARI
GHY.-07.

3:THE SUPERINTENDING OF POLICE
MORIGAON
DIST.- MORIGAON
ASSAM.

4:THE DEPUTY COMMISSIONER

MORIGAON
ASSAM

Advocate for the Petitioner : MR. P J SAIKIA, MS D DUTTA

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

13.09.2024

Heard Mr. P. J. Saikia, learned counsel for the petitioner. Also heard Ms. U. Das, learned State Counsel appearing for the respondents.

It is stated that pursuant to the Work Orders under Memo No. E/G/MRG/NRC/2017/3868 as well as Memo No. E/G/MRG/NRC/2017/3872 both dated 20.12.2017, issued by the Superintendent of Police, Morigaon in terms of the Short Tender Notice issued on 06.12.2017 by the said authority relating to (i) 'Temporary construction of Kitchen cum Dining Hall, Pit Latrine with WC (Pan), Bathroom, Sanitary & repairing works in connection with temporary accommodation of 1 (one) coy outside force (CAPF) for NRC related law and order duty at Bhuragaon P.S.' and (ii) 'Repair/construction of temporary Kitchen cum Dining Hall, Pit Latrine with Bathroom, 3 Nos. old qtr. Sanitary latrine with electrification etc., in connection with temporary accommodation of 1 (one) coy outside force (CAPF) for NRC related law and order duty at Bhurabandha BDO office' for an amount of Rs.7,45,700/- (Rs. 3,75,000/- + Rs. 3,70,700/-), though the petitioner completed both the works but the respondent authorities have not paid any amount to the petitioner for completing those two works inspite of submission of bills as well as utilization certificate.

The respondent has filed an affidavit and taken a stand that the petitioner has executed two works as claimed and amount of Rs. Rs.7,45,700/- (Rs. 3,75,000/- + Rs. 3,70,700/-) is due and the petitioner completed the work within stipulated time.

In view of such clear admission, the respondent authority now to pay the aforesaid amount due to the petitioner.

At this stage, Ms. U. Das, learned State Counsel submits that some time may be required for final payment and it is expected that payment can be made within a period of 3 (three) months.

The learned counsel may be correct that the administrative and financial sanction requires some time, but in view of the clear admission as regards the execution of the work and clear admission as regards outstanding dues payable to the petitioner, the petitioner is entitled for the aforesaid amount due.

Accordingly, it is directed that the outstanding admitted amount be paid to the petitioner within a period of 4 (four) months from the receipt of the certified copy of this order to be furnished by the petitioner before the respondent authority.

This disposes the writ petition.

JUDGE

Comparing Assistant