

GAHC010080692022



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

Case No. : WP(C)/2827/2022

PRADIP KUMAR DAS
S/O-LATE ABHAY CHARAN DAS
R/O- FATASIL AMBARI,
NRIPEN BORA ROAD
GUWAHATI-781025
DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT.
OF ASSAM, PUBLIC WORKS DEPARTMENT
DISPUR, GUWAHATI-781006
KAMRUP (M), ASSAM

2:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT (DEVELOPMENT)
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-781006
ASSAM

3:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT (WORKS)
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-781006
ASSAM

4:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM

CHANDMARI
GUWAHATI-781003
DIST- KAMRUP (M)
ASSAM

5:THE SUPERINTENDING ENGINEER
PWD
DIBRUGARH ROADS CIRCLE

DIBRUGARH
ASSAM
PIN-786001

6:THE EXECUTIVE ENGINEER
PWD
DIBRUGARH
LAHOWAL
MORAN AND TINGKHONG TERRITORIAL ROAD DIVISION

DIBRUGARH
ASSAM
PIN-786001

7:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
FINANCE (BUDGET) DEPARTMENT
DISPUR
GUWAHATI-78100

Advocate for the Petitioner : MR. A DHAR

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

16.02.2024

1. Heard Mr. A. Dhar, learned counsel for the petitioner. Also heard Mr. B. Gogoi, learned Standing Counsel for the PWD.
2. The petitioner's grievance is the non-payment of his contractual dues after

execution of his contract work, amounting to Rs.22,67,537/-, in connection with the contractual work "Improvement of Metd. Bordubi Dhekiajan Tipom Road in Tengakhat Road Sub-Division under Dibrugarh Road Division, under Non-Plan for 2001-2002 (Providing W.B.M. Patching, PC & SC & Gravelling in Side Berm at 11th to 12th KM".

3. The petitioner had earlier approached this Court by way of WP(C) No. 3217/2011, which was disposed of vide order dated 24.06.2011, directing the respondents, i.e. the PWD, to deal with the grievance of the petitioner in accordance with the Full Bench judgment of this Court in the case of ***Tamsher Ali & Etc.Etc vs. State of Assam & Others***, reported in ***2008 (4) GauLT 1***.

4. Mr. B. Gogoi, learned Standing Counsel of the PWRD submits that the parawise comments given by the Executive Engineer, PWRD, Territorial Road Division, Dibrugarh (respondent no.6) which has been sent to the Chief Engineer, PWD (Roads), has been communicated to the him. In terms of the parawise comments, which has been forwarded by the Executive Engineer, PWRD to the Chief Engineer, PWD (Roads), vide letter dated 15.02.2024, the genuineness of the claim of the petitioner was verified on the basis of available papers in the office. The name of the petitioner was not found in the original chronological list available in the office for payment of his outstanding liabilities and the said findings were communicated to the Chief Engineer's office vide letter dated 24.02.2024. The parawise comments further states that the amount of Rs.22,67,537/- was received from the Chief Engineer's office vide No. DIB/PWR/003-DIV-2021-22(1)-60 dated 12.01.2022.

5. Mr. B. Gogoi, submits that in view of the parawise comments, a further verification may be done by the Chief Engineer's office and thereafter the amount found due, after verification, would be paid to the petitioner.

6. On considering the letters dated 15.02.2024 & 24.02.2024 written by the respondent no.6 and the parawise comments dated 15.02.2024, this Court is of the view that the documents mentioned above imply that the petitioner's claim is genuine and his name was not considered earlier, due to the petitioner's name not being mentioned in the original chronological list available with the respondents, for payment of contractual dues. However, as consented by the parties, this writ petition is disposed of, with a direction to the Chief Engineer, PWD Roads to have a further verification of the petitioner's claim with regard to the amount found due by the respondent no.6. After verification of the amount payable to the petitioner, the admitted amount should be paid to the petitioner. The entire exercise should be concluded within a period of 3 (three) months, from the date of receipt of a certified copy of this order.

7. The above letters dated 15.02.2024 & 24.02.2024 and the parawise comments are made a part of the record and marked as Annexure-X collectively.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant