

GAHC010109592022



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

Case No. : WP(C)/3957/2022

SAMSUL TALUKDAR
S/O- ABDUL AWAL TALUKDAR, VILL- BAR AGDIA, P.O.- NAGAON, P.S.-
BARPETA, DIST. BARPETA, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI-06.

2:THE CHIEF ELECTORAL OFFICER
ASSAM
DISPUR
GUWAHATI-06.

3:THE DEPUTY COMMISSIONER-CUM-DISTRICT ELECTION OFFICER
BARPETA DISTRICT
P.O.- BARPETA
ASSAM.

4:THE CHIEF ENGINEER OF PUBLIC HEALTH (ENGINEER)
DEPARTMENT
ASSAM DISPUR
GUWAHATI-06.

5:THE EXECUTIVE ENGINEER OF PUBLIC HEALTH ENGINEERING
BARPETA DIVISION
BARPETA.

6:ASSTT. EXECUTIVE ENGINEER OF PUBLIC HEALTH ENGINEERING
BARPETA SUB DIVISION
BARPETA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 19-04-2024

Heard Mr. MH Ahmed, learned counsel for the petitioner. Also heard Ms. U Das, learned Govt. Advocate appears for the respondent nos.1 and 3; Mr. AI Ali, learned standing counsel for the Election Commission of India representing respondent no.2 and Mr. RR Gogoi, learned standing counsel for the PHE representing respondent nos.4, 5 and 6.

2. The petitioner claims that being a successful bidder, he was given two work orders vide letter nos.PHEE/BAR/Misc.1/2016-17/1425 and PHEE/BAR/Misc.1/2016-17/1429.

3. It is projected that the work orders were issued after administrative approval from the District Administration and the said work was for the earlier Assembly Election, 2016. It is projected that after completion of the works, the petitioner has raised his bill for the said work which has not been paid.

4. Although notice was issued by order dated 15.06.2022, till date no response has been filed by the respondents and they have not denied that the petitioner has not done the work.

5. Accordingly, in absence of any response, the present writ petition is allowed by directing the Chief Engineer, PHE Department, Govt. of Assam

(respondent no.4) to verify through his officers as to whether the petitioner has done the work as per the contract of the work orders which shall be carried out within a period of 1(one) month from the date of receipt of the certified copy of the order and if the petitioner is found entitled to the contractual bills for the work done, such payment shall be released within a period of 3(three) months thereafter.

6. The petitioner shall produce a certified copy of this order before the Chief Engineer, PHE Department, Govt. of Assam (respondent no.4).

7. The writ petition stands allowed to the extent as indicated above.

JUDGE

Comparing Assistant