

GAHC010109982019



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

Case No. : WP(C)/3265/2019

SAMARESH NATH
S/O LT. SUNDAR MANI NATH, R/O P.W.D. COLONY NO. 3, P.S. HAFLONG,
HAFLONG-788819, DIST.-DIMA HASAO, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY, HILL AREAS DEPTT.
GOVT. OF ASSAM, ASSAM

2:PRINCIPAL SECRETARY
N.C.HILLS AUTONOMOUS COUNCIL
HAFLONG
ASSAM

3:SUPERINTENDING ENGINEER
P.W.D. (R AND B)
HAFLONG CIRCLE
HAFLONG
DIMA HASAO
ASSAM

4:EXECUTIVE ENGINEER
P.W.D. (R AND B) HAFLONG DIVISION
HAFLONG
DIMA HASAO
ASSAM

5:ASSTT. EXECUTIVE ENGINEER
P.W.D. GUNJUNG SUB-DIVISION
GUNJUNG

6:ACCOUNT OFFICER
HAFLONG P.W.D. (ROADS) DIVISION
HAFLONG
ASSA

Advocate for the Petitioner : MR. B DEKA

Advocate for the Respondent : SC, N C HILLS

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

17.05.2024

Heard Mr. B Deka, learned counsel for the petitioner and Mr. A Khanikar, learned counsel for the respondent Nos. 2, 3, 4 & 5. Ms. U Das, learned Addl. Senior Government Advocate appears for respondent No. 1. Having regard to the nature of case projected by the petitioner, the writ petition is taken up for disposal at this stage.

[2.] The case of the petitioner is that he was given a work order for the tender value of Rs. 24,70,750.00 on 06.01.2024 regarding the maintenance and repair of Sangbar Thingdol Boulmol (STB) Road from 0.00 km to 10.00 km. The administrative approval was also given on 21.09.2013 and accordingly, the petitioner started executing the work and completed the same. The Executive Engineer, PWD (R&B), Haflong Division, Haflong in his spot verification report has also made a remark that the work/scheme has been completed in all

respect and the volume of work done and specification found is as per the estimated provision. Following the same, a completion certificate was also issued to the petitioner. Despite the same, the petitioner has not been paid the admitted amount of Rs. 24,68,621.00 by the respondent authorities concerned. As such, he has filed the instant writ petition.

[3.] The learned counsel for the respondent submits that without proper verification of the claim made by the petitioner, the respondents may not be in a position to pay the amount as claimed and therefore, some time may be granted to make the verification. However, considering the claim made by the petitioner and the documents annexed in the writ petition, this Court is of the view that there is no impediment in disposing the writ petition at this stage.

[4.] Accordingly, the respondent No. 4 i.e. Executive Engineer, PWD (R&B), Haflong Division, Haflong, within a period of 4 (four) weeks from the date of receipt of a certified copy of this order, shall verify the claim made by the petitioner and if the same is found to be correct and genuine, the said authority shall do the needful in terms of the decision rendered by a Full Bench of this Court in *Tamsher Ali and Etc. Etc. vs. State of Assam & Ors.*, reported in 2008 (4) GLT 1, for payment of the dues to the petitioner as expeditiously as possible.

JUDGE

Comparing Assistant