

GAHC010147762024



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

Case No. : WP(C)/3771/2024

NOSRUL ALAM MAZUMDER
SON OF ANAMUL HUSSAIN MAZUMDER,
RESIDENT OF VILLAGE AND P.O.- UTTARKRISHNAPUR PT-II,
DISTRICT- CACHAR, ASSAM,
PIN- 788006.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
MEDICAL EDUCATION AND RESEARCH DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIXMILE
KHANAPARA
GUWAHATI-22.

3:THE PRINCIPAL IN CHARGE
GOVERNMENT DENTAL COLLEGE AND HOSPITAL
GHUNGOOR
SILCHAR
ASSAM
PIN- 788014.

4:THE PRINCIPAL CUM CHIEF SUPERINTENDENT
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR
ASSAM
PIN- 788014.

5:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
ASSAM
HENGRABARI
GUWAHATI-36.

6:THE ADDL. CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING DEPARTMENT
BARAK VALLEY ZONE
GHUNGOOR

SILCHAR
ASSAM
PIN- 788014.

7:THE EXECUTIVE ENGINEER
(PHE)
SILCHAR DIVISION NO. II

SILCHAR- 788014.

8:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6

For the petitioner (s) : Mr. N. J. Khataniar, Advocate

For the respondent (s) : Ms. S. Sarma, SC, Health Deptt.

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

O R D E R

04.11.2024

Heard Mr. N. J. Khataniar, the learned counsel appearing on behalf of the petitioner. Ms. S. Sarma, the learned counsel appears on behalf of the Health Department of the Government

of Assam as well as Mr. I. Borthakur, the learned counsel appears on behalf of the PHE Department.

2. The petitioner herein has approached this Court being aggrieved by the inaction on the part of the respondent authorities in not making payment of an amount of Rs.39,10.890/- to which the petitioner is entitled for carrying out the work pertaining to "Independent Water Supply Arrangement at Government Dental College, Ghungoor, Silchar" which was awarded to the petitioner vide the work order dated 05.04.2023.

3. This Court had issued notice on 31.07.2024. Ms. S. Sarma, the learned counsel appearing on behalf of the Health Department submits that the Director of Medical Education has already written to the Medical and Research Department of the Government of Assam for the purpose of approving the financial sanction and release of FOC for an amount of Rs.39,10,892/- which is required to be paid to the petitioner. The learned counsel for the Health Department further submits that from a perusal of the communication which was issued by the Director of Medical Education to the Additional Secretary to the Government of Assam, Medical and Research Department, it is clear that the respondent Department duly admits that the petitioner is entitled to the amount of Rs.39,10,892/-. The learned counsel for the Health Department further places before

this Court an instruction dated 16.08.2024 wherein the communication issued by the Director of Medical Education dated 08.08.2024 has been enclosed. The said communication is collectively kept on report and marked with the letter "X".

4. Taking into account that the amount in question has been duly admitted and there is already a request for issuance of the financial sanction as well as release of the FOC, this Court is of the opinion that the instant writ petition can be disposed of at this stage thereby issuing appropriate directions.

5. Accordingly, the instant writ petition stands disposed of thereby directing the respondent authorities, more particularly the respondent Nos.1 & 2 to take appropriate steps for disbursing the amount of Rs.39,10,892/- to the petitioner to which the petitioner is entitled to.

6. The same be done so within a period of 6 (six) months from the date a certified copy of the instant order is served upon the respondent No. 2.

JUDGE

Comparing Assistant