

GAHC010168122024



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

Case No. : WP(C)/4225/2024

RAMA KANTA DEB
SON OF LATE RAKESH CHANDRA DEB, RESIDENT OF DEBS, OPPOSITE
TREASURY OFFICE, SADARGHAT ROAD, SILCHAR, PIN- 788001, DISTRICT-
CACHAR, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, HEALTH AND FAMILY WELFARE DEPARTMENT, GROUND
FLOOR, BLOCK-D, JANATA BHAWAN, DISPUR, GUWAHATI, PIN- 781006,
DISTRICT- KAMRUP (M), ASSAM

2:THE SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT.
OF ASSAM
PWD (BUILDING AND NH)
GROUND FLOOR
BLOCK-D
JANATA BHAWAN
DISPUR
GUWAHATI
PIN- 781006
DISTRICT- KAMRUP (M)
ASSAM

3:THE DIRECTOR OF MEDICAL EDUCATION
ASSAM
SIX MILE
KHANAPARA
GUWAHATI
PIN- 781022
DISTRICT- KAMRUP (M)
ASSAM

4:THE CHIEF ENGINEER
PWD (BUILDING)
ASSAM
CHANDMARI
GUWAHATI
PIN- 781003
DISTRICT- KAMRUP (M)
ASSAM

5:THE EXECUTIVE ENGINEER
PWD
SILCHAR BUILDING DIVISION
SILCHAR
PIN- 788001
DISTRICT- CACHAR
ASSAM

6:THE PRINCIPAL-CUM-CHIEF SUPERINTENDENT
SILCHAR MEDICAL COLLEGE AND HOSPITAL
SILCHAR
PIN- 788014
DISTRICT- CACHAR
ASSA

Advocate for the Petitioner : MR G CHOUDHURY, MR ARINDAM BARUAH,MR. N BHATRA

Advocate for the Respondent : SC, HEALTH, SC, PWD (BULDING)

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

Date : 30.09.2024

Heard Mr. A. Baruah, learned counsel for the petitioner. Also heard Mrs. S. Sarma, learned Standing Counsel for the Health Department.

2. The petitioner, who is a contractor, has prayed for payment of his contractual dues amounting to Rs.33,62,219/- for "Construction of State Art Mortuary Building F&SM Department at SMCH Silchar".

- 3.** The petitioner's counsel submits that despite the contract work being completed and a completion certificate dated 29.11.2021 being issued by the Executive Engineer, PWD, Silchar Building Division, the petitioner has not been paid his contractual dues.
- 4.** Mrs. S. Sarma, learned Standing Counsel for the Health Department has submitted letter No. DME.Budget/552732/115 dated 27.09.2024, issued by the Director, Medical Education, Assam, which is addressed to the Addl. Secretary to the Government of Assam, Medical Education & Research Department, Dispur, wherein the Government has been requested to take necessary steps for release of Rs. 33,62,219/- in favour of the petitioner.
- 5.** I have heard the learned counsels for the parties.
- 6.** The letter dated 27.09.2024 issued by the Director, Medical Education, Assam is made a part of the record and marked as Annexure-X.
- 7.** The letter dated 27.09.2024 issued by the Director, Medical Education states as follows:-

“From

*Prof.(Dr.) Anup Kr. Barman,
Director of Medical Education, Assam.*

To,

*The Additional Secretary to the Govt. of Assam,
Medical Education & Research Deptt.
Dispur Guwahati-06.*

Sub- Regarding WPC No. 4225/2024 (Roma Kanta Dev-vs-State of Assam) related to "Construction of State Art Mortuary Building F&SM Department at SMCH, Silchar".

Ref: No. SMC/PG-UP/2021/1074 Dated 29-01-2022.

Madam,

With reference to the subject cited above, I have the honour to submit herewith a sanction and FOC proposal as received from SMC&H, Silchar for release of an amount of Rs. 33,62,219/- (Rupees Thirty Lakh Forty Two Thousand One Hundred Five) only regarding "Construction of State Art Mortuary Building F&SM Department at SMCH, Silchar" under the CSS for "Strengthening and upgradation of State Government Medical Colleges for starting new Postgraduate disciplines and increasing postgraduate seats".

It may be mentioned that, GoI had released Rs. 13.2144 Cr. as central share (funding ratio 90:10), out of which expenditure was made for Rs. 9.28 Cr. As such, unspent balance of central share Rs. 3.9344 Cr. is in the state exchequer.

It may be stated that, HoA's "2210-05-105-0739-110-32-99" CSS and "2210-05- 105-0739-110-32-99" SOPD-SS are not available since 2020-21 till current F/Y 2024-25 in the budget book Grant No. 28.

Accordingly, Government is requested to kindly take necessary steps regarding release of the outstanding payment amount of Rs. 33,62,219/- in connection with WP(C) No. 4225/2024 (Roma Kanta Dev- vs-State of Assam) and also creation of the specific HoA for the above-mentioned Scheme."

7. A perusal of the above letter dated 27.09.2024 clearly shows that the State respondents have admitted their liability towards the petitioner for an amount of Rs.33,62,219/- and that there is unspent balance of the Central share in the State exchequer, from which the petitioner can be paid his dues.

9. In light of the said letter dated 27.09.2024, the respondents are directed to pay to the petitioner the admitted amount of Rs.33,62,219/-, within a period

of 4 (four) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant