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

Case No. : WP(C)/5277/2019

MOKBUL HUSSAIN
S/O- LATE RAHMAN ALI, VILL- KHOSLARTARY, P.O- HELAGARI, P.S-
SAPATGRAM, DIST- DHUBRI, ASSAM, PIN- 783345

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
PHED, DISPUR, GUWAHATI, ASSAM, PIN- 781006

2:THE CHIEF ENGINEER
DEPTT OF PHE
HENGABARI
GUWAHATI- 06

3:THE EXECUTIVE ENGINEER
PHE
DHUBRI DIVISION
DHUBRI
P.O AND P.S- DHUBRI
ASSAM
PIN- 78334

Advocate for the Petitioner : MR. A K DUTTA, MR D C NATH

Advocate for the Respondent : SC, P H E,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 02-12-2024

Heard Mr. DC Nath, learned counsel for the petitioner. Also heard Mr. I Borthakur, learned counsel for the PHE Department.

2. The petitioner's case is that he was allotted various works vide different work orders, for installation of TARA Hand Pumps, RCC Ring Wells and Hand Pumps, etc under various Gaon Panchayats, issued by the Executive Engineer, Public Health Engineering (PHE), Dhubri Division. The petitioner after completing the works submitted his bills, which are as follows:

“1) Bill No. 57, MB No. 3551(B) page Nos. 146-156 for an amount of Rs. 78,380/- for the Work order No. PHEE/DBB/TC-86/2014-15/2573 dated 19-02-2015.

2) Bill No. 38, MB No. 3603(B) page Nos. 144-156 for an amount of Rs. 1,08,756/- for the work order No. PHEE/DBB/TC-86/2014-15/2577 dated 19-02-2015.

3) Bill No. 20, MB No. 3646(B) page Nos. 14-29 for an amount of Rs. 78,163/-Work order No. PHEE/DBB/TC-88/ Char/2015-16/110 dated 17-04-2015.

4) Bill No.03, MB No. 3432 (B) page No. 152-164 for an amount of Rs. 66,467/- for the work order No. PHEE/DBB/TC-86/2014-15/114 dated 17-04-2015.

5) Bill No. 42, MB No. 3639 (B) page No. 11-21 for an amount of Rs. 77,090/- for the work order No. PHEE/DBB/TC-88/ Char/2014-15/118 dated 17-04-2015.

6) Bill No.51, MB No. 3630 (B) page No. 109-121 for an amount of Rs. 78,209/- for the work order No. PHEE/DBB/TC-88/ Char/422 dated 13-05-2015.

7) Bill No. 49, MB No. 3630 (B) page No. 122-134 for an amount of Rs. 78,275/-for the work order No. PHEE/DBB/TC-88/ Char/427 dated 13-05-2015.

8) Bill No. 69, MB No. 3631 (B) page No. 69-80 for an amount of Rs. 61,683/-Work order No. PHEE/DBB/TC-73/2015-16 dated 27-10-2015.

9) Bill No. 44, MB No. 3639 (B) page No. 190-197 for an amount of Rs. 24,071/- for the work order No. PHEE/DBB/TC-90/2016-17/125 dated 20-06-2016.

10) Bill No. 33, MB No. 3639 (B) page No. 173-181 for an amount of Rs. 40,742/- for the work order No. PHEE/DBB/SW/TC-90/2016-17/129 dated 20-06-2016."

3. The petitioner's counsel submits that the total amount of unpaid bills is Rs.6,91,836/-.

4. Mr. I Borthakur, learned counsel for the PHE submits that he has not been given any instructions till date. He further submits that the writ petition can be disposed of, if a direction is issued to the respondent No. 2 to verify the petitioner's claim in terms

of ***Tamsher Ali vs. State of Assam & Ors.***, reported in ***2008 (4) GLT 1.***

5. I have heard the learned counsels for the parties.

6. The petitioner's contractual dues, as claimed by him have been enumerated in the foregoing paragraphs. This writ petition has been filed on 22.07.2019 and despite more than 5 (five) years having elapsed, the respondents have neither filed any affidavit nor have given any instructions to their counsel, with regard to the claim of the petitioner regarding his unpaid contractual dues.

7. In view of the above facts, this Court is of the view that it would not serve any purpose if the writ petition is kept pending any longer in this Court. Accordingly, the respondent No. 2 is directed to verify the petitioner's claim/bills and if they are found to be correct, the respondents should pay to the petitioner the admitted amount. 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.

8. The writ petition is disposed of accordingly.

JUDGE

Comparing Assistant