

GAHC010175662016



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

Case No. : WP(C)/7349/2016

MAHENDRA NATH BAISHYA
S/O LT. RAMESWAR BAISHYA, R/O MANGALDAI TOWN, W/NO.5, P.O. and
P.S. MANGALDAI, DIST- DARRANG, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
PandR.D., DISPUR, GHY-6

2:THE SECRETARY
ASSAM STATE ELECTION COMMISSION
HOUSEFED COMPLEX
DISPUR
GHY-6

3:THE CHIEF ENGINEER
PHE
WATER
ASSAM
HENDERABARI
GHY-36

4:THE DY. COMMISSIONER
DARRANG
MANGALDAI

5:THE PROJECT DIRECTOR
DRDA CUM CHAIRMAN
CONSTRUCTION CELL
PANCHAYAT ELECTION/2013
DARRANG

MANGALDAI

6:THE EXECUTIVE ENGINEER
PHE
MANGALDAI DIVISION
MANGALDA

For the petitioner (s) : Mr. C. Goswami, Advocate

For the respondent (s) : Ms. N. Bora, Advocate
Mr. R. Dubey, Advocate
Mr. D. Gogoi, Advocate
Mr. M. Chetia, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

17.07.2024

Heard Mr. C. Goswami, the learned counsel appearing on behalf of the petitioner. Also heard Ms. N. Bora, the learned counsel appearing on behalf of the respondent Nos.1 & 5; Mr. R. Dubey, the learned counsel appearing on behalf of the respondent No.2; Mr. D. Gogoi, the learned counsel appearing on behalf of the respondent Nos.3 & 6 as well as Mr. M. Chetia, the learned counsel appearing on behalf of the respondent No.4.

2. The instant writ petition has been filed by the petitioner being aggrieved with the respondent authorities in not releasing his dues to which he claims to be entitled to. It is the specific case of the petitioner that the petitioner is a registered contractor of the Public Health Engineering Department and during the Panchayat Election, 2013, he was ordered by the Executive Engineer, PHE, Mangaldai Division to complete the works relating to taps and hand washing system, 12 numbers of hand pumps and 25 numbers of low cost sanitary latrines at Mangaldai College

for Panchayat Election. It is the further case of the petitioner that 3 work orders were issued in that regard details of which are given herein under:-

- (i) Office order No.PHEE/MGI/W-6/2012-13/5831 dated 13-03-13, confirm Work Order for laying of distribution pipe network including arrangement of taps and hand washing system at Mangaldai College for Panchayat Election-2013 at estimated amount of Rs.1,20,957.00.
- (ii) Office order No.PHEE/MGI/W-6/2012-13/5834 dated 13-03-13, confirm Work Order for temporary installation and extraction of 12 Nos. Singur Hand pumps at Mangaldai College for Panchayat Election-2013 at estimated amount of Rs.46,522.00.
- (iii) Office order No.PHEE/MGI/W-6/2012-13/5837 dated 13-03-13, confirm Work Order for construction of 25 Nos. low cost sanitary latrines at Mangaldai College for Panchayat Election-2013 at estimated amount of Rs.60,000.00.

3. It is the case of the petitioner that the petitioner is entitled to an amount of Rs.2,26,482.81 against the aforementioned works which have been completed by the petitioner. However, the respondent authorities inspite of being requested and represented time and again, have failed to release the said amount and it is under such circumstances the instant writ petition has been filed.

4. This Court duly takes note of that pursuant to the filing of the instant writ petition notice was issued by this Court. However, till date no reply has been filed by either of the respondents.

5. Taking into account the above, this Court in the interest of justice directs the Commissioner and Secretary to the Government of Assam,

Panchayat and Rural Development Department, Dispur, Guwahati as well as the respondent Nos.2 & 3 to make appropriate verification as regards the petitioner's entitlement and thereupon if it is found that the petitioner is entitled to the said amount claimed or part thereof, the due amount be released.

6. The verification be completed within a period of 2 months from the date a certified copy of the instant order is served upon the Commissioner and Secretary to the Government of Assam, Panchayat and Rural Development Department as well as to the respondent Nos.2 & 3. Pursuant to the verification as directed be carried out; within 4 months thereafter if it is found that the petitioner is entitled to any amount, the payment be made.

7. In view of the above, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant