

GAHC010198032022



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

**Case No. : WP(C)/6715/2022**

BHASKAR BHATTACHARJEE AND 4 ORS  
S/O- LATE SAMARESH KUMAR BHATTACHARJEE,  
R/O- H. NO-592, HOSPITAL ROAD, P.O AND P.S- SILCHAR,  
DIST- CACHAR, ASSAM, -788005

2: BAKTAR UDDIN LASKAR  
S/O-FAIZUR RAHMAN LASKAR

R/O- VILLAGE BERENGA  
PART IV  
P.O- BETHUKANDI  
P.S- SILCHAR

DIST- CACHAR  
ASSAM

3: KAMAL UDDIN MAZUMDAR  
S/O-LATE ATAUR RAHMAN MAZUMDER

R/O- VILLAGE BERENGA  
PART IV  
P.O- BETHUKANDI  
P.S- SILCHAR

DIST- CACHAR  
ASSAM

4: AZMAL HUSSAIN  
S/O-LATE TAIMUS ALI LASKAR

R/O- VILLAGE MADHURBOND PHE ROAD  
SILCHAR

DIST- CACHAR  
ASSAM

5: JALAL UDDIN LASKAR  
S/O-FAIZUR RAHMAN LASKAR

R/O- VILLAGE BERENGA  
PART IV  
P.O- BETHUKANDI  
P.S- SILCHAR

DIST- CACHAR  
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS  
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVT. OF ASSAM, WATER RESOURCES DEPARTMENT, DISPUR,  
GUWAHATI-6.

2:THE CHIEF ENGINEER

WATER RESOURCES DEPARTMENT  
CHANDMARI  
GUWAHATI  
ASSAM

3:THE EXECUTIVE ENGINEER  
WATER RESOURCE DIVISION  
SILCHAR  
DIST- CACHAR  
ASSAM

4:THE COMMISSIONER AND SECRETARY  
TO THE GOVT. OF ASSAM  
FINANCE DEPARTMENT  
DISPUR  
GUWAHATI-6

**Advocate for the Petitioner** : MR. M H LASKAR

**Advocate for the Respondent** : SC, FINANCE

**BEFORE  
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**Date : 27-03-2024**

Heard Mr. M.H. Laskar, learned counsel for the petitioners. Also heard Mr. R.M. Das, learned Standing Counsel, Water Resource Department; Mr. R.K.D. Choudhury, learned Deputy Solicitor General of India and Mr. R.K. Talukdar, learned Standing Counsel, A.G. for the respondents.

The grievance of the petitioners is that they have executed work under the Water Resources Department and such work is being financed by the Union of India through the Ministry of Jal Shakti. However, it is the claim of the petitioners that even after execution of the said work the petitioners are not being paid though a part of the amount has been paid to them.

The learned counsel for the petitioners further contend that their cases are similar and covered by the order dated 27.09.2022 passed by this court in a batch of writ petitions, being, WP(C) No.4734/2021 and others.

The operative portion of the order dated 27.09.2022 passed in WP(C) No.4734/2021 is reproduced below as follows:

*“ In view of the above, these writ petitions are being disposed of with the following directions:- (1) Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will communicate the supplementary budget passed in the last Assembly pertaining to the scheme to the competent*

*authority of the Ministry of Jal Shakti, Government of India.*

*(2) Within 60 (sixty) days from the date of receipt of such communication, the Ministry of Jal Shakti will release the amount due under the schemes to the concerned department of the Government of Assam.*

*(3) Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days. In view of the direction herein above, the respondents to complete the entire process within a period of four months from today.”*

The respondent State has filed an affidavit wherein the respondents have admitted the dues payable to the petitioner. However, according to the state due to paucity of funds, the same could not be honoured.

Mr. R.M. Das, learned Standing Counsel, Water Resource Department further submits that proposal/demand against such amount due, had already been sent to the Ministry of Jal Shakti in terms of the earlier order passed in WP(C) No.4734/2021 and it is expected that the fund will be received within a period of six weeks.

That being the position and considering the admission of the State respondents, these writ petitions are disposed of with the following directions;

- I. Within 15 (fifteen) days from today, the concerned official of the State Government of Assam will issue a reminder to the competent authority of the Ministry of Jal Shakti, Government of India as regards demands already

made.

II. Within 90 (Ninety) days from the date of receipt of such communication, the Ministry of Jal Shakti will release the amount admitted to be due under the schemes to the concerned department of the Government of Assam.

III. Upon receipt of the amount, bills of the writ petitioners shall be processed and cleared within a further period of 45 days.

In view of the above directions, the respondents to complete the entire process within a period of six months from today.

These writ petitions are, accordingly, disposed of.

**JUDGE**

**Comparing Assistant**