

GAHC010206162019



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

**Case No. : WP(C)/6508/2019**

SANJIT KR. NATH  
S/O. SUKEDAR NATH, VILL. AND P.O. HELAGARI, P.S. SAPATGRAM, DIST.  
DHUBRI, ASSAM, PIN-783345.

VERSUS

THE STATE OF ASSAM AND 2 ORS.  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, PUBLIC  
HEALTH ENGINEERING DEPTT., DISPUR, GUWAHATI, ASSAM, PIN-781006.

2:THE CHIEF ENGINEER

DEPTT. OF PUBLIC HEALTH ENGINEERING  
HENGGRABARI  
GUWAHATI-06.

3:THE EXECUTIVE ENGINEER

PUBLIC HEALTH ENGINEERING (PHE) DHUBRI DIVISION  
DHUBRI  
P.O. AND P.S. DHUBRI  
ASSAM  
PIN-783348

**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**

**11.11.2024**

Mr. D.C. Nath, learned counsel appears for the petitioner, while Mr. R.R. Gogoi, learned Standing Counsel appears for the PHE Department.

2. The petitioner's case is that he was allotted work orders on different dates, for installation of TARA Hand Pumps and RCC Ring Wells for the village areas under the various Gaon Panchayats, issued by the Executive Engineer, Public Health Engineering Department, Dhubri Division. The petitioner completed the works allotted to him and thereafter prepared bills totaling Rs.2,11,246/-. However, the said amount has not been paid to the petitioner till date. Accordingly, he submits that a direction should be issued to the respondents, to pay the petitioner's unpaid contractual dues.

3. Mr. R.R. Gogoi, learned Standing Counsel for the PHE department submits that as no instructions have been forthcoming from the department, the matter can be disposed of, by directing the respondents to verify the claim of the petitioner and if the claim of the petitioner is found to be true, payment can be made on the admitted amount, in terms of the judgment of the Full Bench of this Court in the case of ***Tamsher Ali vs. State of Assam & Others***, reported in ***2008 (4) GLT 1***.

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

5. The petitioner's contractual dues, as claimed by the petitioner by 4 (four) bills, are as follows :

*“1) Bill No. 188, MB No. 3515 (B) page Nos. 56-61 for an amount of Rs. 46,903/- for the Work order No. PHEE/DBB/TC-79/2013-14/3163 dated 30-01-2014.*

*2) Bill No. 10, MB No. 3347(B) page Nos. 172-180 for an amount of Rs. 58,459/- for the work order No. PHEE/DBB/TC-86/2014-15/2653 dated 19-02-2015.*

*3) Bill No. 72, MB No. 3549 (B) page Nos. 75-84 for an amount of Rs. 45,247/- Work order No. PHEE/DBB/TC-86/2014-15/3080 dated 27-02-2015.*

*4) Bill No.72, MB No. 3631 (B) page No. 59-68 for an amount of Rs. 60,637/- for the work order No. PHEE/DBB/TC-88/ Char//2015-16/2009 dated 16-10-2015.”*

6. This writ petition has been filed on 27.08.2019 and this Court, vide order dated 06.09.2019 had issued Notice, which was accepted by the learned Standing Counsel, PHE Department on 06.09.2019 itself. Despite more than 5 (five) years having elapsed, the respondents have neither filed any affidavit in this case with regard to the claim made by the petitioner, nor have they given any instructions to their counsel.

7. Accordingly, in view of the above reasons, this Court is of the view that a verification should be undertaken by the respondent no.2 with regard to the claim of the petitioner's bills as it is quite useless to keep the writ petition pending in this Court. Accordingly, the respondent no.2 is directed to verify the petitioner's claims/bills. If the claims/bills of the petitioner are found to be

correct, the respondents should pay to the petitioner the admitted amount. The entire exercise should be concluded with a period of 3 (three) months, from the date of receipt of a certified copy of this order.

8. The writ petition is accordingly disposed of.

**JUDGE**

**Comparing Assistant**