

GAHC010265532019



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

Case No. : WP(C)/8434/2019

KHANDAKAR ABU SHAMIM ABBAS
S/O- AMANULLAH KHANDAKAR, VILL. AND P.O. AND P.S. SOUTH
SALMARA, DIST. DHUBRI, ASSAM, PIN- 783127.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, PWD
(BUILDING), DEPARTMENT, DISPUR, GHY-6.

2:THE CHIEF ENGINEER PWD (BUILDING)
ASSAM
CHANDMARI
GHY-3.

3:THE SUPERINTENDENT ENGINEER
PWD
GUWAHATI BUILDING CIRCLE-I
FANCY BAZAR
GHY.-01.

4:THE EXECUTIVE ENGINEER PWD

DHUBRI BUILDING DIVISION
DHUBRI
ASSAM. PIN- 783301.

5:THE SECTIONAL OFFICER
PWD
SOUTH SALMARA
BLDG. SECTION
SOUTH SALMARA
DHUBRI

ASSAM. PIN- 783127

Advocate for the petitioner(s): Mr. HR Ahmed

Advocate for the respondent(s): Mr. B Choudhury,
Standing Counsel, PWD

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

25.11.2024

Heard Mr. H. R. Ahmed, the learned counsel appearing on behalf of the petitioner and Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the respondents.

2. The case of the petitioner herein is that the petitioner is aggrieved by the inaction on the part of the respondent authorities in not making payment of the bills of the petitioner. The case of the petitioner herein is that the petitioner is a contractor by profession and was allotted some work by the respondent authorities namely *Dismantling of CHC Bldg. with staff Qr. Including labour cost for carrying and construction of temporary godown shed at Tumni Bazar under Mankachar Bldg. Sub-Division in Dhubri district for the year 2002-03*. Under the aforesaid works, the petitioner was allotted works, namely, (i). "labour cost for construction of temporary shed, labour cost for roofing, cost for carrying by

buffalos cart & pull cart and carriage cost from Tumni” by work order dated 30.09.2004 issued by the respondent No.4 for an amount of Rs.1,32,370/- (ii). “Construction of sheds for godown to the salvage materials of PHC, CHC and Police Station Bild. of South Salmara at Tumni Bazar” by work order dated 14.11.2002 issued by the respondent No.4 for an amount of Rs.19,270/- and (iii). “labour for dismantling of existing brick wall, parapet wall and R.B. including RCC/PCC stiffeners and plastering” by work order dated 14.11.2002 issued by the respondent No.4 for an amount of Rs.49,500/-. As such, the total value of the aforesaid works are Rs.49,500/- + Rs.19,270/- + Rs.1,32,370/- = Rs.2,01,140/-.

3. It is the case of the petitioner that the petitioner successfully executed the works and accordingly submitted the bills for the said works. As per the petitioner, the petitioner is entitled to amount of Rs.1,99,737/-. It is the case of the petitioner that the petitioner had submitted various representations to the respondent authorities for release of the said amount, however, the said amount of Rs.1,99,737/- is still pending, for which the petitioner has approached this Court under Article 226 of the Constitution.

4. Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the Public Works Department submits that as to whether the petitioner has completed the work in terms with the work orders in question is a subject matter of verification which needs to be carried out by the respondent authorities and it is only on the basis of such verification, the actual entitlement of the petitioner could be ascertained.

5. Upon hearing the learned counsels appearing on behalf of the parties, this Court is of the opinion that the interest of justice would be met, if a direction is given to the respondent authorities to verify as to whether the petitioner has completed the work in accordance with the formal work orders mentioned hereinabove and thereupon to ascertain the exact amount to which the petitioner is entitled to, if any.

6. It is under such circumstances, this Court, therefore, disposes of the instant writ petition thereby directing the Respondent Authorities more particularly the respondent Nos. 2, 3 and 4 to verify the entitlement of the petitioner on the basis of the tender conditions as well as the formal work orders which were issued in favour of the petitioner and as to whether the petitioner has completed the work in question and thereupon, after verification, if it is found that the petitioner is entitled to the said amount or any part thereof, the same should be paid to the petitioner in terms with the judgment of the Full Bench of this Court in the case of *Tamsher Ali and Others Vs. State of Assam and others* reported in *2008 (4) GLT 1*. The said verification be completed within a period of 1 (one) month from the date a certified copy of the instant order is served upon the respondent No.1.

7. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant