

GAHC010265542019



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

Case No. : WP(C)/8115/2019

ROFIQUL ISLAM
S/O- LT NURUL ISLAM, 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), DEPTT., DISPUR, GHY-6

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

3:THE SUPERINTENDING ENGINEER
PWD
GUWAHATI BUILDING CIRCLE-I
FANCY BAZAAR
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- 7812

For the Petitioner(s) : Mr. H. R. Ahmed, Advocate
For the Respondent(s) : Mr. B. Gogoi, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.07.2024

Heard Mr. H. R. Ahmed, the learned counsel appearing on behalf of the Petitioner and Mr. B. Gogoi, 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 (i) Dismantling of GCI Sheets and RCC works of CHC Bldg. including staff Qr. (GR.III) at South Salmara, Tumni vide work order dated 14.11.2002 issued by the Respondent No.4 for an amount of Rs.49,283/- and (ii) Carriage charges by Shallow and Country Boat of Salvage Materials after erosion by the river Brahmaputra to the CHC Bldgs at South Salmara vide work order dated 14.11.2002 issued by the respondent No.4 for an amount of Rs.21,400/- thereby totaling to Rs.70,683/-.

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.49,283/- and Rs.21,410/- thereby totaling to Rs.70,693/-. 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.70,693/- is still pending, for which the Petitioner has approached this Court under Article 226 of the Constitution.

4. Mr. B. Gogoi, 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 for 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