GAHC010271162019

2026:GAU-AS:9847

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

Case No. : WP(C)/8252/2019

LAKHESWAR SAIKIA
S/O. LT. BHOLA SAIKIA, R/O. VILL. BORONGABARI, P.O. BORONGABARI, P.S. GOHPUR, DIST. BISWANATH, ASSAM, PIN-784172.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE COMM. AND SPL. SECRETARY TO THE GOVT. OF ASSAM, PUBLIC WORKS (BUILDING AND NATIONAL HIGH WAY) DEPTT., P.O. DISPUR, GUWAHATI, DIST. KAMRUP (M), ASSAM, PIN-781006.

2:THE COMMISSIONER AND SECRETARY

FINANCE DEPTT.
GOVT. OF ASSAM
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER

PUBLIC WORKS DEPTT. (BUIODINGS)
P.O. CHANDMARI
GUWAHATI-3
DIST. KAMRUP (M)
ASSAM.

4:THE SUPERINTENDING ENGINEER

PUBLIC WORKS DEPTT.
TEZPUR BUILDING CIRCLE
P.O. TEZPUR
PIN-784001

DIST. SONITPUR
ASSAM.

5:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPTT.
TEZPUR BUILDING DIVISION
P.O. TEZPUR
PIN-784001
DIST. SONITPUR
ASSAM

For the Petitioner(s) : Mr. S. Upadhay, Advocate

For the Respondent(s) : Mr. P. Nayak, Addl. A.G.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 17.07.2026

Heard Mr. S. Upadhay, the learned counsel appearing on behalf of the petitioner and Mr. P. Nayak, the learned Additional Advocate General as well as the Standing Counsel for the PWD appears 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 amount to which the petitioner is entitled to upon completion of works.

3. It is the case of the petitioner that the respondent No. 5 issued formal work order in favour of the petitioner vide No.

BN/18/99/5 dated 18.11.1999 for the works, namely, "Construction of Circle Office with Staff Qtr. at Gohpur (Construction of Circle Office Building) (Balance Work), Gr.'B'" and "Construction of Circle Office with Staff Qtr. at Gohpur (Lying Hume Pipe Culvert), Gr.-'I'". It is the further case of the petitioner that upon completion of all formalities, the petitioner commenced the execution of the works. The date of commencement of the works was 15.11.1999, and the date of completion was 08.10.2001. It has further been averred in the writ petition that these facts are reflected in the work completion certificate dated 29.10.2014 issued by the respondent No. 5. It is also the case of the petitioner that subsequent to the issuance of the said work completion certificate, the respondent No. 5 addressed a communication dated 29.10.2014 to the respondent No. 4, requesting release of funds in respect of the aforesaid works.

4. The learned counsel for the petitioner submitted that the respondents made payments towards the executed works in phases but failed to release the entire bill amount upon completion of the works and an amount of Rs. 1,14,787/- still remains payable to the petitioner. The learned counsel further submitted that the petitioner repeatedly approached the respondent authorities for release of the outstanding amount,

pursuant to which the respondent No. 5 issued a letter dated 17.06.2019 to the respondent No. 3 requesting that necessary steps be taken for revalidation of the financial sanction for the work up to 31.12.2019. However, despite the said communication, the outstanding amount has not been released to the petitioner. Being aggrieved, the petitioner has approached this Court by filing the present writ petition under Article 226 of the Constitution of India.

5. Mr. P. Nayak, the learned Additional Advocate General appearing on behalf of the PWD submitted that as to whether the petitioner had completed the works in terms with the work order 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.

6. 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 works in accordance with the work order and thereupon to ascertain the exact amount to which the petitioner is entitled to, if any.

7. It is under such circumstances, this Court therefore disposes

of the instant writ petition thereby directing the Respondent Authorities more particularly the respondent Nos. 3, 4 and 5 to verify the entitlement of the petitioner on the basis of the work order which was issued in favour of the petitioner and as to whether the petitioner had completed the works in question and thereupon, after verification if it is found that the petitioner is entitled to any amount, 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.3 and the payment thereupon be made in terms with the judgment rendered in the case of ***Tamsher Ali (supra)***.

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

JUDGE

Comparing Assistant