

Writ Petition No.14558 of 2007

ORDER:

The relief sought for in this writ petition is to declare the action of the respondents in not paying the amounts due to the petitioner, after extracting the contract work, as illegal and arbitrary. A consequential direction is sought to the respondents to pay the outstanding amount of Rs.1,20,647/-, and security deposit of Rs.14,600/-, with interest at the rate of 24% per annum.

While this Court would not, ordinarily, examine disputed questions of fact and would normally relegate the petitioner to the remedy of a Civil Suit, to recover the amounts due to him by the Government, the Assistant General Manager, BSNL has, in his counter affidavit, stated that the total bills received was for Rs.1,19,783/-; a bill for Rs.864/- was not traced in their office; and the security deposit of Rs.14,600/- would be returned, if the petitioner produced the original receipt of the deposit, since the unit at Tirupati was closed. It is also stated that the petitioner can visit the 1st respondent's office during working hours and settle his bills by mutual negotiations, since some of the bills were raised for works carried out by the petitioner without any prior sanction.

Dr.P.Bhaskar Mohan, learned counsel for the 3rd respondent, would submit that, after the counter affidavit was filed, the petitioner addressed a letter dated 24.09.2007 seeking one time settlement and, pursuant thereto, the amounts were paid to him. Sri O.Manohar Reddy, learned counsel for the petitioner, expresses ignorance of the aforesaid dues having been amicably settled subsequently.

We consider it appropriate, in such circumstances, to permit the petitioner to submit a representation afresh, within four weeks from today, to the 2nd respondent who shall, within four weeks from the date of receipt of the petitioner's representation, consider the same in accordance with law and pass orders thereon. If any amount is found

due and payable to the petitioner, the 2nd respondent shall make payment thereof within four weeks after taking a decision on the petitioner's representation.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

03rd February, 2017
JSU



THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN



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Date: 03.02.2017

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