

CWP-27290-2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Decided on: January 9, 2017.

Prem Singh

.. Petitioner(s)

VERSUS

State of Haryana and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Ashish Gupta, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

This is a second petition filed by the petitioner to recover the payments of work done for the Government Agency. A direction had been issued in CWP No.9240 of 2015 on 12.5.2015, for deciding the claim of the petitioner by passing a speaking order by the Superintending Engineer, Public Health, PWD, Palwal, District Palwal and the Executive Engineer, Public Health, PWD, Palwal, District Palwal.

The petitioner had demanded payment of 59 bills. Few payments have been made but the remaining claim of the petitioner has not been considered on the ground that 24 bills submitted by the petitioner could not be located at the level of Executive Engineer.

The petitioner has again approached this Court for a

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direction for release of the payments. It is pertinent to observe here that the petitioner has not challenged the legality and propriety of the order dated 3.9.2015, passed by the Superintending Engineer, PHED Mewat Project Circle, Palwal.

Counsel for the petitioner, at this stage, submits that he would be satisfied in case a direction is issued for consideration of the legal notice dated 7.1.2016, sent by the petitioner to respondent nos.3 and 4.

Without expression of any opinion regarding the entitlement of the petitioner for the payments against 24 bills, this petition, at this stage, is disposed of with a direction that the claim of the petitioner under legal notice dated 7.1.2016, would be considered by the Superintending Engineer, Public Health, PWD, Palwal, District Palwal and the Executive Engineer, Public Health, PWD, Palwal, District Palwal, within a period of three months by passing a speaking order, in accordance with law, within a period of three months after the receipt of a copy of this order, without adopting evasive approach and positive steps would be taken to ensure that the claim of the petitioner is finally settled.

This order will not prejudice the right of the petitioner to avail the alternative remedy of recovery of amount in accordance with law by challenging the validity of order dated 3.9.2015, Annexure P4.

(M.M.S. BEDI)
JUDGE

January 9, 2017.
rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No