

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

CWP No.29118 of 2017 (O&M)

Date of decision: 21.3.2018

Hardev Raj

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sandeep Kumar, Advocate for the petitioner.

Mr.Aayush Sarna, AAG Punjab.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner has prayed for a writ in the nature of mandamus seeking a direction to the respondents to release his payment of Rs.31,04,715/- with interest.

After notice, the respondents have filed reply in which the following averments have been made:

“That after the completion of the work, the petitioner submitted the Ist Running Bill amounting to Rs.22,31,805/- and 2nd Running Bill amounting to Rs.8,72,910/- (Total sum of Rs.31,04,715/-). The said running bills were sent to District Treasury Officer, Hoshiarpur for payment during the year 2016-17, vide Bill No.155 dated 8.3.2017 amounting to Rs.22,31,805/- and Bill No.158 dated 10.3.2017 amounting to Rs.8,72,910/- but the said payment could not be released during the year 2016-17 due to paucity of funds.

That now the demand for granting sanction to release the sum of Rs.31,04,715/- has been made vide letter No.51 dated 27.4.2017, letter No.241 dated 25.7.2017,

letter No.299 dated 31.8.2017 and letter No.446 dated 27.11.2017 from the higher authorities. A true translated copy of the letter dated 27.11.2017 is annexure herewith as Annexure R-5/IT and its true copy as Annexure R-5/1.

That payment of Rs.31,04,715/- will be made to the petitioner agency on the receipt of the necessary funds/budget from the Government.”

As per the aforesaid reply, respondents are not denying its liability to make the payment to the petitioner who is waiting for it since 17.3.2017.

Thus, in view of the aforesaid facts and circumstances, that the respondents are not denying its liability and the process has been initiated for the payment amount due to the petitioner, the present petition is disposed of with a direction to the respondents to release the payment to the petitioner as early as possible, preferably within a period of one month, from the date of receipt of certified copy of this order. It is needless to mention that the payment has to be made by the respondents with simple interest @ 9% on the amount due which shall be calculated from the date the amount became due till date of payment.

(RAKESH KUMAR JAIN)
JUDGE

21.3.2018
Meenu

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No