

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 26414 of 2022

Raj Kishor Mathur

.....

Petitioner

Mr. H.K.Mund, Advocate

Vs.

State of Orissa & others

.....

Opposite Parties

Mr. P.P.Mohanty, A.G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE G. SATAPATHY

ORDER

18.10.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. H.K.Munda, learned counsel for the petitioner and Mr. P.P. Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties.

3. The petitioner has filed this writ petition to quash the order No. LC-29/2022-10582/W.R., Bhubaneswar dated 30.04.2022 passed by the Government of Odisha, Department of Water Resources under Annexure-5 refusing to grant the enhanced labour charges along with interest.

4. Mr. H.K. Mund, learned counsel for the petitioner contended that since the authority denied the benefit of enhanced labour charges vide order dated 30.04.2022, the petitioner approached this Court by filing the present writ petition.

5. Mr. P.P.Mohanty, learned Addl. Government Advocate appearing for the State-opposite parties contended that since the claim of additional labour charges relates to the conditions stipulated in the tender document itself and if the petitioner is aggrieved by the same, he may approach the appropriate authority claiming such

benefit in terms of the DTCN applicable to the petitioner. Instead of doing so, the petitioner cannot approach this Court by invoking extra-ordinary jurisdiction of the Court.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that against denial of enhancement of labour charges the petitioner approached this Court by filing the present writ petition. But fact remains, whether the petitioner is entitled to get such enhancement of labour charges or not, that is to be considered in terms of the conditions stipulated in the DTCN or the agreement executed between the parties. Therefore, if any of the condition of the DTCN is violated, the petitioner is at liberty to pursue his remedy before the appropriate forum in accordance with law. As such, in exercise of power under Article 226 of the Constitution of India, this Court cannot adjudicate the matter which is purely a money claim.

7. Accordingly, this writ petition stands disposed of granting liberty to the petitioner to pursue his remedy before the appropriate forum in accordance with law, if he is so advised.

Issue urgent certified copy as per Rules.

(DR. B.R. SARANGI)
JUDGE

Ashok/kishore

(G. SATAPATHY)
JUDGE