

123

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

CWP No. 8262 of 2022
Date of Decision: 22.04.2022

M/s Ding Manpower and Securities Services Pvt. Ltd.

-Petitioner

Versus

State of Haryana and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ajay Kamboj, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this petition for the issuance of an appropriate writ, order or direction especially in the nature of mandamus directing the official respondents to release the outstanding amount of Rs.67,71,000/- to the petitioner along with interest.

On 07.08.2019, the Block Development and Panchayat Officer, Ellenabad invited e-tenders for selection of agency for collection, transportation, scientific processing and disposal of solid waste in the cluster of Gram Panchayat in Block Ellenabad.

Petitioner was the successful tenderer and was engaged for providing services within one cluster of six Gram

Panchayats, Block Ellenabad for door to door collection, transportation, scientific processing and disposal of solid waste, cleaning of Nallas and open drains, sweeping roads, berms including lifting and cleaning of silts, debris, waste of all kinds.

Grievance of the petitioner is that after successfully completing the work assignment, the dues have not been released to the petitioner despite the intra departmental communication made by Additional Deputy Commissioner, Sirsa to Block Development and Panchayat Officer, Ellenabad regarding payment of funds for solid waste management in cluster. Even the Block Development and Panchayat Officer issued a letter dated 01.03.2021 to Chief Executive Officer, Zila Parishad Sirsa for payment of funds for solid waste.

Petitioner has also moved a representation dated 14.01.2021 and also got issued a legal notice on 06.04.2021 to Block Development and Panchayat Officer, Sirsa to the Chief Executive Officer and Director in the context of payment of dues of the petitioner. The Director Development Panchayat also issued a letter dated 10.04.2021 to the Chief Executive Officer regarding dues of the petitioner. The Director, Development and Panchayats Department, Haryana also issued letter dated 28.05.2021 to the Chief Executive Officer, Sirsa in this context. The Director, Development and Panchayats, Department,

Haryana, Chandigarh has specifically directed the Chief Executive Officer to make payment of pending dues of Rs.67,71,000/- to the petitioner. At last, the petitioner has also moved a representation dated 15.09.2021 to the Chief Secretary, but despite the aforesaid communication made at intra departmental level as well as representation made by the petitioner, payment in respect of dues of the petitioner has not been released till date.

At this stage, learned counsel for the petitioner submits that the petitioner would be satisfied in case its representation dated 15.09.2021 is directed to be decided in a time bound manner by passing a speaking order in accordance with law.

Notice of motion.

On the asking of the Court, Mr. Vivek Chauhan, Addl. A.G., Haryana accepts notice on behalf of the respondents.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents at this stage, as no order prejudicial to the interest of any party is being passed.

This writ petition is disposed of with a direction to respondent No.2 to take note of pending representation dated 15.09.2021 filed by the petitioner and pass appropriate order in

accordance with law, preferably within a period of two months from the date of receipt of certified copy of this order.

If the entitlement of the petitioner is established with reference to record, then the payment be released to the petitioner forthwith. Any delay in disbursing the payment shall result in imposition of interest @ 6% per annum for the delayed payment from the date of accrual till final realization of the same.

If the entitlement of the petitioner is not found, then the representation be decided by passing a speaking order and the same be communicated to the petitioner within a reasonable time.

22.04.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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