

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-12066-2019

Date of Decision:07.09.2022

Virender and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Karan Singh, Advocate for
Mr. Sandeep Thakan, Advocate,
for the petitioners.

Mr. Vivek Chauhan, A.A.G., Haryana.

VINOD S. BHARDWAJ , J.(Oral)

Prayer in the instant civil writ petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to release the amount of ₹2,51,393/- to the petitioners along with interest against the construction material and labour claimed to have been supplied by the petitioners for the ongoing work at Govt. Girls High School, Khanda Kheri.

Written statement of Virender Kumar, Head Master, Govt. Girls High School, Khanda Kheri, District Hisar on behalf of the respondents had already been filed. The relevant extract of the same reads thus:-

“4. That the petitioners have not come to this Hon'ble Court with clean hands and they have suppressed the true and material facts from the Hon'ble Court. It is an admitted fact

that a grant of Rs.20,00,000/- (Rs. Twenty lacs) was released by the Haryana Government as per which two class room, one library and one computer room were to be constructed in the said school, but computer room has not been constructed in the school till today, thus, the construction work is not completed yet. It is also worthwhile to mention here that when grant was released by the Haryana Government Sh. Balraj Singh was working as Head Master Government Girls High School Khanda Kheri (Hisar) and he superannuated from the serial on 31.03.2017 and thereafter one Smt. Babli Devi started working as Incharge of the school, but it was very surprising that Sh. Balraj Singh was now retired, continued the construction work even after his retirement and spent the Government amount on the construction work w.e.f. 01.04.2017 to 14.07.2017 for which he was not entitled, though the bills w.e.f. 01.04.2017 to 14.07.2017 have not been verified by said Balraj Singh as well as by abovesaid Babli Devi, who was working as Incharge of the school, after the retirement of Balraj Singh. Thus, the answering respondent is unable to make the payment of said bills without getting those verified from the then Incharge/Head master of the school, as he joined as Head Master Government Girls High School Khanda Kheri on 05.08.2017. The answering respondent has replied all the letters written by the respondent No.2 to 4 and initiated that construction work has not been completed in the school till today. He even repeatedly sought opinion from respondent No.2 to 4 whether he can make the payment or not and also sought information whether Sh. Balraj Singh, the then Head Master Government Girls High School was entitled to spend the amount of grant after his retirement, but the respondents No.2 to 4 kept mum and have not replied the queries of the answering respondent.”

A perusal of the same shows that there is a disputed question of fact involved with respect to the supplier, material and labour for the period in relation thereto the bills had been raised. There was no verification with

respect to the despatch of the aforesaid material as the then Head Master has not verified the same and the work has remained uncompleted.

In view of the disputed questions of fact raised by the respondents, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present civil writ petition with liberty to take recourse to the alternative remedy(ies) as available to the petitioners in accordance with law.

Dismissed as withdrawn with liberty, as aforesaid.

September 07, 2022
seema

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No