

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

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CWP-18352-2022

Date of Decision: 21.12.2022

DEPUTY SAROOP SHARMA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. R.K. Girdhar, Advocate
for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents to make the due payment of Rs.4,33,465/- including security qua the works of Annual Maintenance of various Sewerage Schemes, executed by the petitioner, alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner has been assigned various works of annual maintenance of sewerage schemes during the year 2014-18 and said works had been satisfactorily concluded by the petitioner, however, the due payment of Rs.4,33,465/- including the security for those works had not been released. Detail of the said payment has been specifically tabulated in paragraph No.2 of the petition itself.

He further contends that the petitioner had to approach this Court by means of filing CWP-32125 of 2018, which was disposed of vide order dated 15.10.2018 with a direction to the respondents to decide the

representation filed by the petitioner within a period of six weeks and to release amount found due, if any. However, the said order was not complied with by the respondents and the petitioner then filed a COCP No.839 of 2019, in which notice of motion was issued. The respondent No.5 filed a short reply dated 09.07.2019 alongwith a speaking order dated 01.05.2019 to the effect that the representation of the petitioner has been considered and the works mentioned at Sr. No.1 and 2 need to be scrutinized and as such the amount claimed by the petitioner was not payable. The claim of the petitioner was thus reported to be rejected. The said COCP was disposed of as having been rendered infructuous. Thereafter, the petitioner submitted a representation alongwith all relevant documents and bills to show that in fact the works have been executed by the petitioner and that the amount is payable to him. Accordingly, a committee was constituted by the Department and to inquiry in the case. The said committee carried out a detailed inquiry and also visited the sites on 17.09.2020 and it was found that the works were executed by the petitioner and the entire record was found in order. Thereafter, on 15.10.2020, the committee concluded that the claim of the petitioner for payment of Rs.4,33,465/- is justified and this amount is payable to the petitioner. Copy of the said inquiry report dated 15.10.2020 is appended alongwith the petition as Annexure P-5). Thereafter, the petitioner, thus, submitted a representation to the respondents for release of his due payment, however, the same has not been released till date. Resultantly, the petitioner filed the present petition seeking release of the above said payment, which has been withheld by the respondents since 2018.

The learned State Counsel contends that the principal amount already stands released during the pendency of the pendency of the present petition.

The aforesaid fact has not been denied by the petitioner. However, he contends that the as the respondent have illegally withheld the due payment of the petitioner alongwith the security qua the works executed by him, the petitioner is entitled to be compensated for wrongly denial of his due payment for such a long period of time compelling the petitioner to carry out multiple litigations for redressal of his grievances and for seeking his payment that was rightly due to him

The factual aspect having not been disputed, there thus seems no valid justification for the delay caused by respondents in releasing the amount that was due to the petitioner.

Accordingly, the petitioner is awarded interest at the rate of 6% from the date of filing of the present petition till its actual release. The necessary interest be also released to the petitioner within a period of eight weeks from the date of receipt of certified copy of this order.

Petition thus stands partly allowed.

21.12.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No