

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

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CWP-23394-2022

Date of Decision: 12.10.2022

NEERAJ KUMAR GUMBER

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Peeush Gagneja, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed under Articles 226/227 of the Constitution of the India for issuance of a writ in the nature of Mandamus directing the respondents to release the payment of petitioner which is pending against the contractual work of garbage and waste lifting to the dumping site for the period from 01.10.2019 to 23.03.2020 along with interest.

Learned counsel for the petitioner contends that the petitioner was allotted the aforesaid work by the respondent-Authorities within the area of Municipal Council (Now Municipal Corporation) Abohara and the petitioner has executed the aforesaid work within stipulated time period. However, the payment in lieu thereof amounting to Rs.32,40,870/- has not been made till date. It is further contended that all necessary formalities including essential paper work has been completed by the petitioner, but still the payment is not being released by the respondent - Authorities. Finally a legal notice dated 02.08.2022 (Annexure P-6) was served upon the

respondent-Authorities but the said legal notice has neither been replied nor did the respondents make the payment.

Notice of motion.

Mr. Saurav Verma, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondents and seeks time to complete instructions.

At this stage, learned counsel for the petitioner contends that he would be satisfied if the respondent No.3 is directed to decide the legal notice dated 02.08.2022 (Annexure P-6) within a stipulated time frame.

Learned State Counsel did not raise any objection to the prayer made by the counsel for the petitioner being allowed.

Accordingly, the present petition is disposed of with a direction to the respondent No.3 to consider and decide the legal notice dated 02.08.2022 (Annexure P-6) by passing a reasoned and speaking order within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon deciding the legal notice dated 02.08.2022 (Annexure P-6), if any amount is found payable to the petitioner, the same shall be disbursed within a further period of 03 months, failing which interest on the accrued amount, if any, shall carry interest at the rate of 6% per annum from the date of filing of the petition till actual disbursement.

Petition stands disposed of accordingly.

12.10.2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No