

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

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CWP-5485-2023

Date of decision: 17.03.2023

RAMBIR SINGH YADAV

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Jamshed Ahmed, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana
for respondent No.1.

Mr. Vivek Saini, Advocate
for respondents No.2 & 3.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus directing the respondents No.1 to 3 to release the security amount of petitioner for the development work of constructions of roadsand renovation of parks for the beauty of the city Nuh, District Nuh having been completed in the year 2018-19.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of construction of roadsand renovation of parks for the beautification of the city Nuh, District Nuh in the year 2018-

19 and that the petitioner completed the aforesaid work within the stipulated period. However, the payment of work has been released to the petitioner and at the time of releasing the payment 10% of amount was deducted as security amount which was to be released after 06 months from the date of ending of the work but the same is not released till date after a lapse of about 04 years.

It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various representations including latest representation dated 04.10.2021 (Annexure P-3) has been sent by the petitioner to the Deputy Commissioner, Nuh for release of due payment.

Learned counsel appearing on behalf of the petitioner contends that he would be satisfied at this juncture in case the respondent No.2-Chief Executive Officer, Municipal Committee, Nuh, District Nuh is directed to look into the representation dated 04.10.2021 (Annexure P-3) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Zorawar Singh Chauhan, DAG, Haryana appears and accepts notice on behalf of respondent No.1.

Mr. Vivek Saini, who is the Additional Advocate General Haryana and would thus be on the panel of all statutory Board and Corporations of the State of Haryana has been requested to accept notice on behalf of the respondents No.2 & 3.

On the asking of the Court, he accepts notice on behalf of respondents No.2 & 3 and has no objection in the event such prayer of the petitioner as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the claim, with a direction to respondent No.2-Chief Executive Officer, Municipal Committee, Nuh, District Nuh to examine the grievance espoused by the petitioner in the representation dated 04.10.2021 (Annexure P-3) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 17, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No