

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-8312-2023
Date of decision: 21.04.2023

DHARMENDER SINGHPetitioner

VERSUS

STATE OF HARYANA AND OTHERSRespondents

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

Present: - Ms. Veena Hooda, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

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 to release the Security Amount as well as the Earnest Money and other amount if any yet to be released for the work completed by the petitioner.

Learned counsel appearing on behalf of the petitioner contends that the petitioner was allotted work of construction of Water Storage Tank of COESAH, Gignow, Bhiwani vide Memo No. 86 dated 18.06.2021. The petitioner has successfully completed the work allotted within the stipulated time with the entire satisfaction of Engineer-in-Charge but the due payment of the aforesaid work has not been released to the petitioner.

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It is contended that the bill with respect to the aforesaid work has already been sent to the respondent-authorities and various oral representations have been made by the petitioner for the purpose of releasing the due payment. However, a Legal Notice dated 20.12.2022 (Annexure P-1) has been sent by the petitioner to the respondent No.3-District Horticulture Officer, P.H.C. Bhawan, Bhiwani 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.3-District Horticulture Officer, P.H.C. Bhawan, Bhiwani is directed to look into the Legal Notice dated 20.12.2022 (Annexure P-1) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents 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.3-District Horticulture Officer, P.H.C. Bhawan, Bhiwani to examine the grievance espoused by the petitioner in the Legal Notice dated 20.12.2022 (Annexure P-1) 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.

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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

APRIL 21, 2023
Vishal Sharma

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