

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

116

CWP-8781-2023

Date of Decision: 27.04.2023

ASHISH MEHRA

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. I.S. Pabla, Advocate
for the petitioner.

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 release the amount of Rs.3,33,968/- as admitted by speaking order dated 28.02.2023 (Annexure P-9) alongwith interest @ 12% per annum.

Learned counsel for the petitioner contends that the petitioner was allotted the work by the respondent-Department for laying underground pipeline of watercourse at outlet RD-98255-R, Jakholi Minor, by respondent No.3 i.e. Chief Engineer vide letter dated 06.09.2019. Work order vide work No.21/256 dated 22.10.2020 was also issued by the respondent-Department. During the execution of work, some extra work was also done on the demand by the local farmer/share holders of watercourse. The petitioner completed the work on 12.06.2021 to the satisfaction of the respondent-Department and there was no complaint with regard to execution of the aforesaid work. The

respondent-Department released partial payment qua execution of work and withheld the substantial amount without any reason. Even the payment qua extra work has also not been released. The petitioner moved from pillar to post and filed many representations but could not be able to get his payment released. Finally, the petitioner filed CWP No.26706 of 2022, which was disposed of by this Court vide order dated 22.11.2022 with a direction to the respondents to decide the representation of the petitioner within a period of three months. Pursuant therefore, the respondent No.2 i.e. Administrator, M.I.C.A.D.A. (Micro Irrigation Command Area Development Authority) passed the speaking order dated 28.02.2023 (Annexure P-9), wherein the M.I.C.A.D.A. admitted the claim of Rs.3,33,968/- subject to approval of the competent Authority. However, despite the aforesaid amount being admitted, no payment has been released by the respondents till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1 and prays for some time to file reply.

Mr. Vivek Saini, Addl. A.G., Haryana, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Punjab, is directed to accept notice on behalf of respondents No.2 to 6. Hence, he accepts notice on behalf of the respondents No.2 to 6 and also prays for some time to complete instructions and file response.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if the respondent No.5- the Executive

Engineer, Division Kaithal, M.I.C.A.D., Haryana is directed to release the admitted payment of Rs.3,33,968/- in a time bound manner.

Heard.

In view of the abovesaid undisputed facts as regards the allotment of work, its satisfactory execution and the liability to pay, it is deemed expedient to dispose of the present petition with a direction to respondent No.5- Executive Engineer, Division Kaithal, M.I.C.A.D., Haryana to release the admitted liability in favour of the petitioner within a period of three months from the date of receipt of certified copy of this order.

So far as the claim of petitioner qua interest on delayed payment is concerned, the petitioner would be at liberty to take recourse to the alternative remedies that may be available to him for redressal of his grievance in accordance with law.

Petition stands disposed of accordingly.

27.04.2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No