

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

134

CWP-19552-2023
Date of Decision: 04.09.2023

LOKESH KUMAR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. R.K. Bhatia, 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 make the payment of bills (Annexures P-1 to P-180) qua the jobs done and duly submitted with respondents No.3 to 7 as per rules.

Learned counsel for the petitioner contends that the petitioner is a registered contractor of the respondents and has been providing his services from time to time including emergency services for smooth supply of water in Sirsa District. It is further averred that as per the rules of Public Health Department, Haryana, the Government of Haryana prescribed an emergency services funds for smooth supply of the water and to get repair of the pipelines, leakage and other necessary repairing works. The petitioner also works for Sewer Lines and used to supply labour, articles and instruments as per the requirement of the Department. Being a registered contractor of the Department, sometimes the quotations were demanded from the petitioner but in case of emergency, sometimes the works were got done from the petitioner

even without demanding prior quotations. The petitioner completed the works allotted to him and submitted 180 bills, details of which have been duly given in tabulated form in paragraph No.5 of the present writ petition. Even though the respondents are duty bound to release the entire outstanding amount, which comes to Rs.80,12,322/-, however, the respondents are demanding bribe @ 20% of the total amount, which is totally illegally and against the provisions of Prevention of Corruption Act. The petitioner submitted various representations from time to time including the latest one dated 15.11.2022 (Annexure P-181) and thereafter, the part payment of Rs.10,00,000/- has been made and token of Rs.61 lacs approximately had been issued, but neither the payment has been made nor has the representation dated 15.11.2022 (Annexure P-181) been decided by the respondents till date.

Notice of motion.

Mr. Vivek Saini, Addl. A.G., Haryana accepts notice on behalf of the respondents and prays for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner submits that at this juncture, he would be satisfied if respondent No.4- Executive Engineer (XEN) Public Health Engineer Division (PHED) No.1, near Salasar Mandir, Dabwali Road, Sirsa is directed to consider and decide the representation dated 15.11.2022 (Annexure P-181) in a time bound manner.

Learned State Counsel does not oppose the prayer made by learned counsel for the petitioner.

Accordingly, in view of the above and with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing the respondent No.4 to consider and

decide the representation dated 15.11.2022 (Annexure P-181) by passing a reasoned and speaking order after affording an opportunity of hearing to the respective parties within a period of three months from the date of receipt of certified copy of this order.

Needless to mention that upon considering the said representation, if any amount is found due and payable to the petitioner, the same shall be disbursed in favour of the petitioner within a further period of three months.

04.09.2023
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(VINOD S. BHARDWAJ)
JUDGE

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