

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-21370-2023
Date of Decision: 25.09.2023

PRANJAL KUMAR AND ANOTHER

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. D.K. Tuteja, 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 undisputed payment of Rs.5,35,955/- and Rs.4,66,856/- qua the works executed by the petitioners alongwith interest @ 18% per annum.

Learned counsel for the petitioners contends that the petitioners No.1 and 2 are son and father respectively and had executed various petty works/job works of maintenance etc. allotted to them by the respondent department. The petitioners, in due course of time, submitted various bills (Annexures P-1 to P-23) and the same were duly passed by the respondent-Department. However, the original bills, which were submitted to the respondent-Department, have been lost/misplaced by them. The Xen, P.H. Engineering Divn. No.2 Rohtak lodged a complaint No.720-21 dated 28.02.2018 with regard to misplacement of the original bills; but the original

could never be traced out till date. In 2019, the petitioners were asked by the respondents to seek a certificate from SDE, Meham and SDE, Sampla to the effect that the payment of the bills of the petitioners has not been made. The necessary certificates for each and every bill were obtained by the petitioner and submitted to the respondent-Department. However, the payment of the same has not been made despite repeated requests. Lastly, the petitioners served a legal notice on 18.12.2019 (Annexure P-24); whereupon the respondent-Department made part payment of the amount demanded in the legal notice and they also sent a vague reply dated 01.06.2020 (Annexure P-27) whereby they mentioned about the part payments made vide different vouchers; but they did not make the entire payment. It is further submitted that from the facts of the above reply, it is very much apparent that the claim of the petitioners for payment of the bills of various works executed by them was never doubted and rather the respondent-Department has admitted the claim of the petitioners. However, despite that, the respondent-Department did not make the payment of balance amount and withheld the same without any reason or rhyme.

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, however, submits that at this juncture, he would be satisfied if respondent No.4- The Executive Engineer, Public Health engineering, Division No.2, Rohtak is directed to release the admitted payment 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.4- to release the admitted liability in favour of the petitioners 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 petitioners would be at liberty to take recourse to the alternative remedies that are available to them for redressal of their grievance in accordance with law.

Petition stands disposed of accordingly.

SEPTEMBER 25, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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