

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

114

CWP-922-2024
Date of Decision: 16.01.2024

SVN ASSOCIATES THROUGH PROPRIETOR Petitioner

VERSUS

STATE OF HARYANA AND OTHERS Respondents

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

Present: Mr. Manoj Kumar Sood, 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 payment of Rs. 14,70,113/- as salary of 30 workers who were engaged for a period of four months alongwith interest @ 18% per annum.

Learned counsel for the petitioner contends that the petitioner is contractor and registered with the State of Haryana. On the direction of NGT to keep the National Highway clean and install dustbins on the highway, the respondents No.3 to 5 decided to engage 30 workers for the said work for a period of four months. Due to code of conduct, the respondents No.3 to 5 did not invite the tender and passed the resolution No. 78 dated 2.7.2019 to engage 30 workers for the said work for a period of four months. The

petitioner engaged 25 Safai Karamcharies for cleaning of highway in the month of July, 2019 and submitted the bill amounting to Rs. 2,81,354/- The petitioner submitted the bill for the month of August, 2019 on 18.09.2019 amounting to Rs. 3,96,253/-. Thereafter, the petitioner engaged 25 workers for the month of September, 2019 and October, 2019 and submitted the combined bill of Rs. 7,92,506/-. The aforesaid bills were verified by respondents No. 4 and 5 and audit was also conducted and thereafter payment of these bills was approved vide resolution No. 9 dated 29.01.2021 by the house. However, the due amount of Rs. 14,70,113/- has not been released to the petitioner till date. The petitioner approached the respondents for a number of times, but nothing fruitful could be fetched. Thereafter, the petitioner submitted numerous representations to the respondents but no response has been received by the petitioner. Lastly, a Legal Notice dated 02.05.2023 (Annexure P-6) has been served by the petitioner upon respondent authorities to release the aforesaid amount but till date due amount has not been released to the petitioner.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts notice on behalf of respondents No.1 and 2.

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 respondent No.3 to 5-Municipal Council, Palwal.

On the asking of the Court, he accepts notice on behalf of respondent No.3 to 5-Municipal Council, Palwal.

Learned counsel for the petitioner, however, submits that at this juncture, he would be satisfied if respondent No.5-Executive Engineer, Municipal Council, Palwal is directed to consider and decide the Legal Notice dated 2.5.2023 (Annexure P-6) in a time bound manner.

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

Accordingly, in view of the above, with the consent of the parties and without commenting anything on the merits of the case, the present petition is disposed of while directing respondent No.5-Executive Engineer, Municipal Council, Palwal to consider and decide the Legal Notice dated 2.5.2023 (Annexure P-6) 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 Legal Notice, if any amount is found due and payable to the petitioner, the same shall be disbursed in his favour within a further period of three months.

Petition stands disposed of accordingly.

JANUARY 16, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE

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