

GAHC010210932025



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5562/2025

UMESH SINGH
RESIDENT OF BORDOLONG, NEPALIBASTI VTC KHARIKHANA, P.O.
KHARIKHANA, DIST- HOJAI, ASSAM, PIN-782446,

VERSUS

THE STATE OF ASSAM AND ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, HOME DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY TO THE GOVT OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE DIRECTOR GENERAL OF POLICE
ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-781007.

4:THE ASSISTANT INSPECTOR GENERAL OF POLICE (A)
) ASSAM
B.K. KAKATY ROAD
ULUBARI
GUWAHATI-781007.

5:THE DISTRICT MAGISTRATE CUM DISTRICT COMMISSIONER

HAMREN
DISTRICT- WEST KARBI ANGLONG
ASSAM. PIN- 782486

6:THE SUPERINTENDENT OF POLICE
HAMREN
DISTRICT- WEST KARBI ANGLONG
ASSAM. PIN- 782486

7:THE MOTOR TRANSPORT OFFICER (MTO) POLICE RESERVE

HAMREN
DISTRICT- WEST KARBI ANGLONG
ASSAM. PIN-78248

Advocate for the Petitioner : MR. S K SINGH, S SINGH

Advocate for the Respondent : GA, ASSAM, SC, FINANCE

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

05.01.2026

Heard Shri S. Singh, learned counsel for the petitioner. Also heard Ms. U. Das, learned State Counsel, Assam.

2. Considering the subject matter involved and as agreed to by the learned counsel for the parties, the instant writ petition is taken up for disposal at the admission stage.

3. As per the facts projected, the petitioner is the registered owner of a vehicle, namely, TATA 407 (Bus), bearing Registration No. AS-09-A 2332. The said vehicle was taken on hire by the District Administration of West Karbi Anglong and was used for official duties. The period of such use ranged between 01.10.2020 to 30.11.2022 for which, the petitioner had submitted bills amounting to Rs. 9,23,234/- (Rupees Nine lakhs twenty three thousand two hundred and thirty four) only. However, the said bills have not been cleared and therefore, the writ petition was filed.

4. Shri Singh, learned counsel for the petitioner has submitted that there is an admission of the liability and therefore, appropriate directions are required to be passed for clearing the bills.

5. Ms. Das, learned State Counsel has submitted that the amount in question is admitted and in this connection, she has referred to the averments made in paragraph 6 of the affidavit-in-opposition dated 05.12.2025 filed by the respondent no. 5 which reads as follows:

“6. That with regard to the statement made in paragraph No. 4 of the writ petition, the answering deponent begs to state that the bus bearing Registration No. AS- 09A-2332, TATA- 407 Bus) was hired for the exclusive use of CIOPS duties. The hiring orders were issued on a monthly basis, as and when required for the said duties. The bus was utilized by the CRPF personnel stationed at Amreng Camp, and monthly hiring orders for the vehicle were issued by the District Magistrate.

The answering deponent further begs to state that the payment for the period from 01.10.2020 to 31.10.2020 has been duly made in accordance with the Government-prescribed daily hiring rate. A total amount of Rs. 67,184/- (Rupees Sixty- Seven Thousand One Hundred Eighty-Four only) was paid to the petitioner vide this Office Sanction Order No WKAH/Nazarat- 10/CIOPS-Finance/2020-2021/63 dated 28-08- 2021, along with a portion of the previously pending liabilities amounting to Rs. 530968/ (Rupees five Lakhs thirty thousand nine hundred and sixty eight) only.

The answering deponent further begs to state that the outstanding liabilities for the remaining period from 01.10.202 to 30.11.2022, amounting to Rs. 9,23,234/- (Rupees Nine Lakhs Twenty-Three Thousand Two Hundred Thirty- Four only) shall be cleared upon the release of the requisite funds by the Government of Assam.”

6. The aspect of exercise of jurisdiction by a Writ Court in contractual matter has been clarified by a Full Bench of this Court in the case of ***Tamsher Ali & Ors. Vs. State of Assam & Ors.***, reported in **2008 (4) GLT 1** wherein, the following guidelines have been laid down:

“i) All claims for payment of outstanding dues would be entertained for consideration provided the same are admitted by the respective departments. The admissions of liability shall have to be certified by the respective Chief Engineer in respect of Works Departments and in respect of other departments by the Head of the departments.

ii) All claims for payment of admitted outstanding dues would be entertained for payment provided the claims are lodged before the competent authority within a period of three years from the date of the payment becoming due.

iii) All claims for payment of admitted outstanding dues in respect of which the contractors intend or have approached the Hon'ble Court, in such cases, the contractors must approach the Hon'ble High Court within a period of 3 years from the date of the payment becoming due. This view has been taken as the Hon'ble Apex Court in the State of Madhya Pradesh Vs. Bhailal Bhai and Ors. reported in AIR 1964 SC 1006 at Para 21 has observed that though provisions of Limitation Act do not as such apply to proceedings under Article 226, the period of Limitation prescribed by Limitation Act for instituting a civil action may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured.”

7. Considering the above and the admitted position as stated in the affidavit-in-opposition, the instant writ petition is allowed by directing consideration of the case of the petitioner for payment of his contractual bills in terms with the directions of the Full Bench in the case of ***Tamsher Ali (supra)***.

8. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant