

GAHC010238932025



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

Case No. : WP(C)/164/2026

SALAM MIA
S/O LATE ABDUL HOQUE, R/O VILL- KABARIBOND, P.O.- PATHERKANDI,
DIST- SRIBHUMI, ASSAM, PIN-788724

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE SPECIAL CHIEF SECRETARY TO THE GOVT OF
ASSAM, PUBLIC HEALTH ENGINEERING DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE CHIEF ENGINEER
PUBLIC HEALTH ENGINEERING
ASSAM
HENGRABARI
GUWAHATI-36

3:THE EXECUTIVE ENGINEER (PHE)
SRIBHUMI DIVISION
SRIBHUMI
ASSAM
PIN-788712

4:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
FINANCE DEPARTMENT
JANATA BHAWAN
DISPUR
GUWAHATI-

Advocate for the Petitioner : MR. N HAQUE, MR. A K AZAD,MR K UDDIN

Advocate for the Respondent : SC, P H E, SC, FINANCE

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

ORDER

19.01.2026

Heard Shri K. Uddin, learned counsel for the petitioner.

This writ petition has been filed for a direction for release of contractual dues. In this regard, the learned counsel has placed reliance on a communication dated 10.11.2025 of admission of liabilities.

Shri R.R. Gogoi, learned Standing Counsel, PHE has, however, pointed out that no completion certificate has been enclosed. He has also submitted that the communication is issued by the Executive Engineer and not by the Chief Engineer which is the requirement of the principles as laid down by the Hon'ble Full Bench of this Court in the case of ***Tamsher Ali & Ors. Vs. State of Assam & Ors.***, reported in **2008 (4) GLT 1** wherein, a precondition was of an admission of the liability by the Department, that too, by an officer not below the rank of the Chief Engineer.

Shri Uddin, learned counsel for the petitioner prays for and is accordingly granted 4 weeks' time to take necessary instructions and/or to file additional-affidavit, if so advised.

List this case on 16.02.2026.

JUDGE

Comparing Assistant