

GAHC010287522023



2026:GAU-AS:6476

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

Case No. : WP(C)/7451/2023

JITEN BORUAH
S/O LATE PITARAM BORUAH, R/O VILL-SARUBHAGIA, P.O.-JAKHALA
BANDHA, P.S.-JAKHALA BANDHA, DIST-NAGAON, ASSAM, PIN-782136

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, WATER RESOURCE DEPARTMENT, DISPUR,
GUWAHATI-781006

2:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GUWAHATI
PIN-781003

3:THE SUPERINTENDING ENGINEER
NAGAON AND MORIGAON WATER RESOURCE CIRCLE
R K B ROAD
HAIBARGAON
DIST-NAGAON
PIN-782001

4:THE EXECUTIVE ENGINEER
MORIGAON WATER RESOURCE DIVISION
MORIGAON
DIST-MORIGAON
PIN-782105

5:UNION OF INDIA
REPRESENTED BY COMMISSIONER

MINISTRY OF JAL SHAKTI
DEPARTMENT OF WATER RESOURCES RURAL DEVELOPMENT AND
GANGA REJUVENATION
6 FLOOR CABIN SHRAM SHAKTI BHAWAN
RAFI MARG
NEW DELHI-110001

6:THE BRAHMAPUTRA BOARD ASSAM
REPRESENTED BY ITS CHAIRMAN GUWAHATI

Advocate for the petitioner(s): Mr. T Deuri

Advocate for the respondent(s): Ms. P Bhattacharjee,
Standing Counsel,
Water Resource Department
Ms. A Gayan, CGC

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

08.05.2026

Heard Mr. T Deuri, the learned counsel appearing on behalf of the petitioner. Also heard Ms. P Bhattacharjee, the learned Standing Counsel, Water Resource Department and Ms. A Gayan, the learned CGC, who appears on behalf of Union of India.

2. The petitioner herein has approached this Court seeking a direction upon the respondent authorities to release the outstanding amount of Rs.89,806/- which was payable to the petitioner.

3. It is seen from the enclosures to the writ petition that the entitlement of the petitioner of an amount of Rs.89,806/- is on account of the work order which was issued in the year 2012.
4. The record further reveals that after 11 years, the petitioner had approached this Court by filing the present writ petition.
5. In the opinion of this Court, the instant writ petition ought not to have been entertained merely on the ground that a representation was submitted by the petitioner in the year 2023 and thereupon approaching this Court.
6. Be that as it may, the learned Coordinate Bench of this Court had issued notice by keeping the maintainability of the writ petition open.
7. The record reveals that in the meantime the respondent No.2 had filed an affidavit-in-opposition wherein at paragraph Nos.7, 8 and 9, the amount of Rs.89,806/- had been duly admitted as payable to the petitioner. Paragraph Nos.7, 8 and 9 of the said affidavit-in-opposition being relevant are reproduced hereinunder:

“7. That the deponent begs to state that the petitioner was allotted the work of the following scheme “R/S to T/dyke along both banks of Kopili river from Charaihagi to Tuklaitup (L/B), Basundhari to Killing Kopili junction (L/B) and Chaparmukh to Ahatguri Amsoi PWD Road (R/B) including anti-erosion measures at different reaches” vide work order No. MGWRD/W-275/Pt-V/2012-13/214-268 Dt. 15.09.2012 after observing necessary formalities.

8. That the deponent begs to state that the total bill value of the said works bearing Bill No. RA/III/MG/3080 dated 28.12.2018 done by the petitioner is Rs.92,606 (Ninety Two Thousand Six Hundred and Six only)/-

out of which an amount of Rs. 2800/- (Two Thousand Eight Hundred) only has been paid to the petitioner therefore, leaving a total balance amount of Rs.89,806 /- (Rupees Eighty Nine Thousand Eight Hundred and Six only) to the petitioner.

9. That the deponent begs to state that the said work was executed by the petitioner under the Flood Management Program (FMP) Scheme where both Central Government and State Government used to release their respective share of fund. It is a fact that the remaining balance Rs. 89,806 /-(Rupees Eighty Nine Thousand Eight Hundred and Six only) could not be release to the petitioner as full amount of funds is not received by the Water Resource Department from the Central Government but the Department is trying all possible steps for release of fund from the Central Government. Moreover, the Water Resource Department is not making any discrimination in making the payment to the petitioner and payment will be made as soon as the funds is received from the Central Government by the deponent."

8. In view of the above admission on the part of the respondents, this Court finds it pertinent to observe that it would be inequitable in exercise of the powers under Article 226 of the Constitution of India not to direct the respondents to release the amount to which the petitioner is entitled to.

9. Accordingly, the writ petition stands disposed of with the following observations and directions:

(i). The respondents herein are jointly and severally liable to pay the amount of Rs.89,806/- to the petitioner.

(ii). The said amount be paid to the petitioner within a period of 8(eight) weeks from the date a certified copy of this order is served upon the respondent No.2 and failing to do so within the time mentioned the said amount shall carry interest @6% per annum upon the expiry of the period of 8(eight) weeks from the date of service of the certified copy of this order upon the respondent No.2.

(iii). It is further observed and directed that the interest as directed above would be paid by the concerned respondent Departments and the same shall be thereupon recovered from the salary of the erring officials.

JUDGE

Comparing Assistant