

WP(C) 5872/2009

BEFORE

HON'BLE MR JUSTICE HN SARMA

Heard Mr. AM Bujarbaruah, learned counsel for the petitioner. Also heard Mr. Patowary, learned Standing counsel, PWD.

The subject matter of challenge in this writ petition is the order terminating the contract of construction of road from NH -37 to Chenimora in Sivasagar District under PMGSY Ph-VI Package No. AS-21-45 vide order dated 17.11.98. It is stated by the learned counsel for the petitioner that against the aforesaid order of termination of contract, the petitioner has filed an appeal in the form of representation before the Chief Engineer, PWD (Roads) on 23.11.09 in terms and condition of the contract. It is submitted that the aforesaid appeal although filed one month back but till date no action has been taken by the authority to look into the grievance of the petitioner as raised in this writ petition. On the other hand, the petitioner has got the information that the respondent authorities are making necessary arrangement to allot the contract in question to some other persons.

In view of the aforesaid facts situation and as agreed to by the learned counsel for the parties, this writ petition stands disposed of with the direction that the concerned authority namely, Chief Engineer, PWD (Roads) shall dispose of the representation dated 23.11.09 on its merit and pass appropriate order that may be justified under the law and facts. It is submitted that the petitioner shall personally appear before such authority to place his grievance and the respondent authority shall provide such liberty of personal hearing of the petitioner.

This order would not be effective provided the representation filed by the petitioner is already disposed of and if disposed of, the same shall be communicated to the petitioner.

This disposes of the writ petition.