

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Civil Writ Petition No.11399 of 2009
Date of Decision: 31.07.2009**

Subhash Chand

Petitioner

Versus

State of Punjab and others

Respondents

CORAM:- HON'BLE MR. JUSTICE JASBIR SINGH

Present: Mr.P.S.Rana, Advocate for the petitioner

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Jasbir Singh, J.(Oral)

Notice of motion.

On asking of the Court, Mr.Manohar Lall, Additional Advocate General, Punjab accepts notice.

Heard.

By filing this writ petition, the petitioner has prayed that directions be issued to the respondents, to release admitted payment, due to him towards execution of work against work order Nos.005, 007, 009, 047 and 049 all dated 10.2.2009.

It is case of the petitioner that he has successfully completed the work against work order Nos.005, 007 and 009 and 90% work against work order Nos. 047 and 049, as mentioned above. Entries were made in the measurement book and even amount due to him was approved by the authorities, however, the Treasury Officer has not released the payment on account of paucity of funds.

This Court feels that if there is no defect in the work executed by the petitioner, the authorities are not justified to detain amount due to him. Paucity of funds is no ground to deny the admitted payment.

In view of facts mentioned above, this writ petition is disposed of by issuing directions to the respondents to release admitted payment to the petitioner, if there is no legal hitch, within two months from the date of receipt of a copy of this order, failing which, the petitioner shall be entitled to get interest @ 8% per annum from the date the amount had become due to him till its realisation. To the contrary, if respondents wish to reject claim of the petitioner, on valid grounds, a speaking order be passed and a copy thereof be supplied to the petitioner.

Mr.Manohar Lall, Additional Advocate General, Punjab assures that the requisite payment shall be made to the petitioner, as early as possible.

Copy of the order be supplied to the State counsel under signatures of the Court Reader for compliance.

31.07.2009

gk

(Jasbir Singh)

Judge