

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition No. 3195 of 2016 (M/S)**

Gajendra Singh Kandiyal.

.....Petitioner

Versus

State of Uttarakhand & others.

.....Respondents

Mr. Pradeep Kumar Chauhan, Advocate for the petitioner.

Mr. Gajendra Tripathi, Brief Holder for the State of Uttarakhand/respondents.

Dated: 30<sup>th</sup> November, 2016

**Hon'ble V.K. Bist, J.**

Petitioner has approached this Court seeking the following relief:

“1. a writ, order or direction in the nature of mandamus directing the respondents to make the payment of Rs. 38,89,000/- to the petitioner for the work done by him on due dates as mentioned in the contracts agreement.”

2. Thus, this writ petition has been filed by the petitioner for a direction to the respondent authorities to release the payment for the civil work done by the petitioner, under the order of the respondents.

3. Though, in such matters, writ petition under Article 226 of the Constitution of India is not maintainable; but, considering the fact that the work, which has been done by the petitioner and is not disputed and further such work, which has been certified by the competent authority, in my view for such work, the respondent authorities should make payment to the party concerned. In my view, in case such party is sent to avail alternative remedy that may amount unnecessary delay in getting justice. Therefore, I am entertaining this writ petition.

4. Learned counsel for the petitioner submitted that petitioner is Class "A" Contractor in the Uttarakhand Public Works Department. He submitted that the civil work was granted to the petitioner, the details of which are given in paragraph no. 2 of the writ petition. Petitioner completed the work to the satisfaction of competent authority. He submitted that the petitioner made several requests to the respondents to make payment for the work done by him; but, the said payment has not been made to the petitioner so far. He prayed that direction may be issued to the respondent authorities to make payment to the petitioner for the work done by him at the earliest.

5. Learned Brief Holder submits that petitioner's claim for the work done, which is not disputed, will be considered and payment will be made.

6. Considering the submission advanced by the learned counsel for the parties and after going through the papers available on record, the writ petition is disposed of with a direction to the respondent authorities to consider the request of the petitioner for payment regarding work done by him, which is not disputed and duly certified by the competent person/authority and make payment to the petitioner expeditiously. So far payment relating to the work, which is disputed, the petitioner can avail appropriate remedy available to him under the law.

7. There will be no order as to costs.

**(V.K. Bist, J.)**

30.11.2016

*Arpan*