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WP-5947-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 29th OF SEPTEMBER, 2026WRIT PETITION No. 5947 of 2025

CNR No.: MPHC030043202025

*JITENDRA SINGH TOMAR**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Jeeshan Sharma - Advocate for the petitioner.**Shri Ravindra Dixit - Govt. Advocate for the State.*
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ORDER

The present petition, under Article 226/227 of the Constitution of India, has been filed by the petitioner seeking following reliefs:-

"(i) That, the respondents be directed to make the payment of rupees five lakh along with interest at the rate of 8% per annum from the date of the order passed by the competent authority till the date of actual payment.

(ii) Issue a writ of mandamus or any other writ, order or direction in the nature of writ under Art. 226 of the constitution of India as this Hon'ble Court may deem fit in facts and circumstances of the case.

(iii) Cost of the petition may also be allowed."



Learned counsel for the petitioner submits that the petitioner had executed the work relating to assembling, dismantling, erection, installation and maintenance of the Pontoon Bridge at Atar Ghat, Sabalgarh, District Morena, pursuant to the work order issued by the respondents. Despite completion of the work and the fact that the competent authorities had taken steps for making payment, the admitted amount of Rs.5,00,000/- has not been paid to the petitioner.

Learned Government Advocate, on the basis of the reply filed on behalf of the respondents, does not dispute that the petitioner had submitted his claim before the department. The stand taken in the reply is that the Chief Engineer, Public Works Department, Gwalior, had directed payment of Rs.5,00,000/- and pursuant thereto, the Sub-Engineer of the concerned Sub-Division had preferred a bill for Rs.4,99,905/- before the office of the Executive Engineer, P.W.D. Division, Morena. It has further been stated that the concerned authorities had repeatedly requested for allotment of funds and vide letter dated 11.12.2024, the Executive Engineer had again demanded payment of Rs.5,00,000/- in the prescribed form, but the requisite allotment was awaited. The respondents have thus substantially acknowledged the petitioner's claim and the steps taken by the department for release of the aforesaid amount.

Heard.

From the reply filed by the respondents, particularly paragraph 9 thereof, it is evident that the respondents themselves had demanded the requisite amount of Rs.5,00,000/- on 11.12.2024 towards payment of the



petitioner's claim relating to the Pontoon Bridge work. Thus, the respondents cannot indefinitely defer payment of the amount on the ground of non-availability of budgetary allocation, particularly when the liability to make payment has already been acted upon by the competent departmental authorities.

It is well settled that a person who has completed the work entrusted to him cannot be deprived of the legitimate payment due to him merely because the department has not made necessary budgetary provision. Administrative or budgetary difficulties cannot, by themselves, justify indefinite withholding of an amount which has otherwise been found payable by the competent authority.

In the present case, the respondents have themselves stated that as soon as the amount is received under the relevant budget head, appropriate action would be taken for payment to the petitioner. However, the petitioner has already been awaiting payment for a considerable period. The stand taken by the respondents, therefore, does not furnish sufficient justification for keeping the admitted amount unpaid any further.

In view of the aforesaid facts and circumstances, this petition is disposed of with a direction to the competent authority/respondents to release and pay an amount of Rs.5,00,000/- to the petitioner within a period of **four weeks** from the date of production of a certified copy of this order, without insisting upon any further representation from the petitioner.

Since the payment has remained outstanding for a considerable period, the aforesaid amount of Rs.5,00,000/- shall carry simple interest at the rate of



6% per annum from 11.12.2024, i.e. the date on which the respondents themselves demanded the requisite amount for payment, till the date of actual payment.

It is made clear that the respondents shall ensure that the payment, along with the aforesaid interest, is released within the stipulated period of four weeks. The concerned authority shall not defer compliance of this order merely on the ground of non-availability of budgetary allocation, and shall take all necessary steps for arranging the requisite funds in accordance with law.

With the aforesaid directions, the petition stands **disposed of**.

No order as to costs.

(MILIND RAMESH PHADKE)
JUDGE

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