

Court No. - 39

Case :- WRIT - C No. - 39301 of 2023

Petitioner :- Sadabriksh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Satya Prakash Pandey, Ashish Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Shiv Shanker Prasad, J.

1. Pursuant to the last order, instructions have been received by learned Standing Counsel. It is thus stated that though it is true that the petitioner was awarded the work for which he has raised the claim of Rs. 9,32,138.80, an equal amount was withdrawn fraudulently by Ravindra Singh, the then Executive Engineer, Rural Engineering Department, Ballia. An inquiry has been instituted in that regard. It is pending.

2. At present, written instructions do not appear to indicate that the petitioner had participated in that fraud or that no payment is due to the petitioner.

3. In view of the above, in the first place, the claim made by the petitioner is substantiated. It merits consideration. Second, the facts require to be ascertained before any payment may be made to the petitioner. No useful purpose may be served in keeping this petition pending or calling for any counter affidavit at this stage.

4. Accordingly, the writ petition is **disposed of** with the direction, in case the petitioner makes a fresh and proper claim before the respondent no. 3 supported by his personal affidavit annexing thereto all documents on which the petitioner may seek to rely, that

claim may be examined on its own strength by the proper authority and appropriate reasoned order may be passed within a period of three months from the date of first compliance shown by the petitioner.

5. It is further provided, if the claim thus made by the petitioner is proposed to be rejected, a show cause notice may be issued to the petitioner disclosing the points on which adverse action is proposed to be taken and the reasoned order may be passed after hearing the petitioner.

6. Any amount found due and payable to the petitioner may be paid out to him within a period of three months from the date of order being passed by the respondent no. 3 in compliance of this order.

Order Date :- 16.12.2023
SA

(Shiv Shanker Prasad, J.) (S.D. Singh, J.)