IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3869 of 2012

Ashok Kumar Jha, S/O Late Janardan Jha, Resident of Village and P.O.- Basantpur, P.S, Poraiyahat, District-Godda, Jharkhand at present residing at Muhalla Basumati Nagar, P.S. Godda (T), P.O. and District Godda, at present posted as Junior Engineer, Godda Nagarpalika, P.S. Godda (T), P.O. & District Godda, Jharkhand .....Petitioner

-Versus-

1. The State of Jharkhand through its Secretary, Urban Development, Project Department of Building, P.O.& P.S.-Dhurwa, District-Ranchi.

2. The Secretary, Department of Urban Development, Project Building, P.O.& P.S.-Dhurwa, District-Ranchi.

3.The Executive Officer, Nagar Panchayat, P.S.-Godda (T), P.O. & District-Godda. .... Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. J.P. Jha, Sr. Advocate
: Mr. Aishwarya Prakash, Advocate
For the State : Mr. Shantanu Gupta, A.C. to A.A.G-III

13/ 01.09.2026: Heard Mr. J.P. Jha, learned senior counsel for the petitioner and Mr. Shantanu Gupta, learned counsel for the respondent-State.

2. This writ petition has been filed under Article 226 of the Constitution of India whereby prayer has been made for direction upon the respondents to pay an amount of Rs. 5,11,000/- to the petitioner for construction of drain from Routara to Barhauna in Ward No. 1 within the Godda Municipality, Godda, as the petitioner has completed the aforesaid work as per the direction of the higher authority.

3. Mr. J.P. Jha, learned senior counsel for the petitioner submits that in the year 2007-08, by an open tender one Awadesh Singh was appointed as contractor for construction of drain in between Rautara to Barhauna in Ward No.-1, in Godda Municipal area, Godda and the estimation for the construction work was Rs. 15,61,000/- and during the construction

work, the said contractor died and after his death the work completed by the said contractor, was calculated by the Department. He next submits that after the calculation of the work completed by the said contractor namely Late Awadesh Singh, it was estimated that he had completed the work of Rs. 7,50,000/- and it was intimated to the Department that about 2400 feet drain had to be constructed in that project for which Rs.8,11,000/- was lying in the Department. He next submits that due to non completion of the said drainage the local Ward Commissioner had filed an application before the Respondent No.-3, duly singed by the Local people as well as by the other members of the Local Municipality, to complete the aforesaid drain for its fruitful use. He further submits that the Municipality Godda in its meeting dated 10.08.2010 proposed that on earlier estimate it is not possible to complete the construction work of the drain in such circumstances the Municipality Godda decided to complete the construction work of the drain at the rest amount lying in the hand of the Department for the aforementioned project by the Department itself and for that purpose the Department appointed the petitioner, as the contractor for completion of the aforesaid incomplete work left by late Awadhesh Singh. Mr. Jha, learned senior counsel submits that the decision of the meeting dated 10.08.2010 is annexed as Annexure 2 to this writ application. He next submits that proposal no. 4 is there with regard to completion of the said work. He next submits that the Respondent No.-3, by its Letter No. 461 dated 07.09.2010, appointed the petitioner as the contractor to complete the said work by way of Annexure-3. He next submits that respondent no.3 has paid an advance of Rs. 3,00,000/- to the petitioner to start the said construction work. He next submits that the said work was completed by the petitioner and after completion of work

the spot was inspected by the Respondent No.-3 as well as by the other members of the municipality and on inspection they found that the work has been completed with the quality as estimated and to the satisfaction of the Department contained as Annexure 4 to this writ application. However, rest of the amount has not been paid to the petitioner, the petitioner filed representation dated 19.01.2011 for payment of Rs. Rs. 5,11,000/-, contained in Annexure-5 and pursuant to that respondent No.-3 requested the respondent No.-2 for instruction regarding the payment of the rest amount to the petitioner, by, dated 24.01.2011 contained in marked Annexure 5/A to this writ petition.

4. In the aforesaid background, Mr. Jha, learned senior counsel for the petitioner submits that work has been completed pursuant to request made by the Department and inspite of that amount has not been paid to the petitioner and even the higher authority has found that work has been completed with the satisfaction of quality check. He submits in view of that appropriate direction may kindly be issued to the concerned respondent to pay the said amount.

5. Mr. Shantanu Gupta, learned counsel for the respondent-State submits that payment has not been made as an open tender was not made. However, he is not disputing the Annexures which have been issued by the concerned authorities as noted in the argument of learned senior counsel for the petitioner.

6. In view of above, it transpires that the work has been allotted to the petitioner by the Department and further the documents as noted hereinabove, suggest that work has been completed and the respondents have also made correspondence between themselves for payment of the

amount however, payment has not been made.

7. In the aforesaid background the petitioner is directed to make fresh representation along with all credentials before the respondent no.3 within three weeks and if such representation is filed within the aforesaid period the respondent no.3 after providing an opportunity of hearing to the petitioner will pass a reasoned order along with considering the interest part, within six weeks further thereafter.

8. It is made clear that if the decision is taken in favour of the petitioner the fruit of the same will be released in favour of the petitioner within four weeks further thereafter.

9. With the above observation and direction, this writ petition is allowed and disposed of. Pending I.A. if any, stands disposed of.

Dt.01.09.2026 **(Sanjay Kumar Dwivedi, J.)**

satyarthi-