

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3900 of 2015

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Tiro Singh son of Ramesh Prasad Singh, Resident of village Lohanda, P.S. Sikandara, District- Jamui

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary Building Construction Department, Patna.
3. The Secretary Planning and Development Bihar, Patna.
4. The Engineer In-Chief, Building Construction Department (South) Patna.
5. The Joint Director, Planning & Development Department Govt. of Bihar, Patna.
6. The Superintending Engineer Building Construction Department Building Division, Bhagalpur.
7. The Executive Engineer Building Division Lakhisarai.
8. The District Magistrate, Lakhisarai.
9. The Deputy Development Commissioner Lakhisarai.
10. The District Programme Officer, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Vinay Pd. Singh (Sanjay), Advocate
For the State : Mr. A.N. Pandey, A.C. to S.C.1

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-04-2015

I have heard the parties.

Petitioner seeks direction to the respondent nos.7 and 8 to make payment of his dues of about Rs.15,00,000/- for the work done by him for construction of P.C.C. Road from Bus Stand (Jamui-Sikandra) Road to New Bye Pass Road, Lakhisarai as per revised estimate. This again appears to be an example as to how a person is made to run from pillar to post for getting payment of his dues. Petitioner's case is that, after the work having been executed, different officials have written letters to each other for getting necessary



approval and getting necessary allotment of fund for payment of the dues of the petitioner but somehow or the other the same could not be paid till date. Petitioner claims that the work was completed in the year 2013 itself but the payment is not being made to him on technical grounds. Petitioner further submits that there is already a decision that if the amount concerned is more than the tender amount but below 20% of the administrative approval then the same has to be paid and no fresh approval would be required which is apparent from Annexure-13 but still the D.M. is seeking necessary approval from the different authorities and the payment has not been made till date.

In the aforementioned facts and circumstances, this writ application is being disposed of with a liberty to the petitioner to approach the Principal Secretary, Building Construction Department, Patna by making a representation. On such representation having been filed, he shall consider every aspect of the matter and take steps for payment of admitted amount of the petitioner within a period of eight weeks from the date of filing of such representation along with a copy of this order. This is further made clear that if some work order has been given and the work has been executed then non-availability of fund cannot form a ground for non-payment of the bill for the reason that tender must have been invited after sanction of the concerned work. If the admitted amount of the petitioner is not paid within the

aforesaid period then the petitioner would also be entitled for simple interest @ 10% per annum to be calculated from the date the same became due till its final payment.

(Dr. Ravi Ranjan, J)

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