

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6735 of 2015

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Santosh Kumar. Son of Late Ram Narayan Mishra. Resident of Lohsari, Police Station - Bochahau, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary, Building Construction Department, Bihar, Patna.
3. The Chief Engineer, Building Division, North Bihar, Patna.
4. The Executive Engineer, Building Division, Hajipur.
5. The Assistant Engineer, Building Division, Hajipur.
6. The Junior Engineer, Building Division, Hajipur.

.... Respondents

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Appearance:

For the Petitioner : Mr. Pancham lal Jaiswal, Advocate

For the Respondents : Mr. SANDEEP KUMAR- GA8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-09-2015

Heard learned counsel for the petitioner and learned Counsel
for the State.

2. This writ petition has been filed for a direction to the respondents to pay the technically sanctioned amount to the petitioner claimed at Rs. 1,26,448/- along with interest thereon towards the works completed by the petitioner under work contract No. 22 F 2 of 2006-07 from Baikunthpur Primary School to Bhatadasi Middle School Road, Muzaffarpur in the year 2006-07 vide S.E. Letter No. 937 dated 24.07.2006.

3. It is submitted on behalf of the petitioner that the works had been made for the period 2006-07 in respect of which bills were raised,

out of which partial payment has been made, leaving an outstanding amount of Rs. 1,26,448/- to be paid to the petitioner together with interest claimed thereon.

4. In view of the nature of the grievance of the petitioner, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Chief Engineer, Building Division, North Bihar, Patna (Respondent No. 3) with a fresh representation, who will examine the matter and take steps for payment of the outstanding dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the outstanding amount is not paid to the petitioner within such period then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the entire claim of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

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