

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4329 of 2015

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Harendra Sharma S/o Late Rama Sharma, Resident of village- Tadwan, P.S. +
District- Siwan

.... Petitioner

Versus

1. The Bihar State Scheduled Caste, Co-Operative Development Nigam Ltd.,
Malyaniyal Bhawan, Budha Colony, East Boring Canal Road, Patna- 800001
2. The District Magistrate, Siwan
3. The Deputy Development Commissioner, Siwan
4. The District Executive Officer, AJEEVANI BRANCH- Siwan, Bihar State
Scheduled Caste Co-Operative Development Nigam Ltd. District- Branch, Siwan
(Bihar)

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Kumar Mishra, Advocate
For the State : Mr. Anil Kumar, A.C. to S.C.10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-05-2015

The petitioner claims to have supplied Trailer and other accessories under Ajeevini Tractor Yojna. However, the due amount of Rs.62,000/- has not been paid to him till date. The petitioner had represented before the District Magistrate, Siwan for payment of the same on 13.08.2004, however, he claims that he has not been given any information regarding any decision having been taken by the District Magistrate.

Learned counsel for the State has informed that the District Magistrate happens to be the Chairman of the Ajeevini Zila Sahkarita Vikas Nigam Ltd. However, he submits that the

alleged supply was of the year 2003 and the petitioner appears to have filed the representation in the year 2014, therefore, his writ petition should not be maintained.

This is very unfortunate that this sort of stand is being taken by the respondent authority. The supply is admitted as the petitioner has been given information which is contained in Annexure-1 that he has not been paid in view of the lack of allotment of fund. It is nowhere said that there is dispute with regard to the supply of Trailer or the amount being claimed. That apart, it also appears from Annexure-3 that the petitioner had approached earlier also but the payment has not been made.

In such a situation, this writ application is being disposed of with a direction to the District Magistrate, Siwan to take immediate decision upon the representation filed by the petitioner so that the payment of admitted dues be made within a period of six weeks from the date of receipt/production of a copy of this order.

It is made clear that if scheme is floated and a person, in view of the scheme, has made certain supply then non-allotment of fund cannot form a ground for non payment of admissible dues for the reason that such scheme must have come along with sanction and allotment of necessary fund. It is further



made clear that if admitted amount is not paid within the period prescribed as aforesaid then it will carry simple interest @ 10% per annum to be calculated from the date it became due till its final payment.

(Dr. Ravi Ranjan, J)

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