

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19797 of 2014

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1. M/s Mintu Hardware through its Proprietor Vishundeo Singh S/o Late Khadakdhari Singh Resident of Village Sirchan Nawada, P.S. Jamui, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Jamui.
3. The Principal Secretary, Panchayat Raj Department, Bihar, Patna.
4. The Panchayat Raj Officer, Jamui.
5. The Finance Secretary, Bihar, Patna.
6. The Commissioner, Jamui.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19809 of 2014

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1. M/s Amit Enterprises, Jamui through its Proprietor Amit Kumar Pandey S/o Sri Krishna pandey Resident of Village Nardih, P.S. AND P.O. Jamui, District Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Jamui.
3. The Principal Secretary, Panchayat Raj Department, Bihar, Patna.
4. The Panchayat Raj Officer, Jamui.
5. The Finance Secretary, Bihar, Patna.
6. The Commissioner, Jamui.

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19810 of 2014

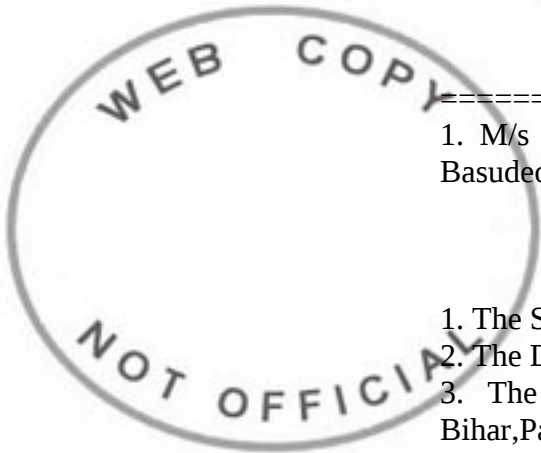
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1. M/s New Bharat Printing Press Through its Proprietor Sunil Kumar Keshari Son of Sri Baijnath Prasad Keshari Resident of Village- Maharajganj P.S+District-Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Jamui
3. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna
4. The Panchayat Raj Officer, Jamui
5. The Finance Secretary Bihar Patna
6. The Commisioner, Jamui



.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19811 of 2014

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1. M/s Rb Printers through its Proprietor Birendra Pandey Son of Late Basudeo Pandey Resident of Village-Nardih P.S+District-Jamui

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. The District Magistrate, Jamui
- 3. The Principal Secretary,Panchayat Raj Department,Government of Bihar,Patna
- 4. The Panchayat Raj Officer,Jamui
- 5. The Finance Secretary Bihar Patna
- 6. The Commisioner,Jamui

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.19812 of 2014

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1. M/s New Ajanta Press through its Proprietor Vijay Kumar Singh Son of Late Sukhdeo Singh Resident of Mohalla-Maharajanj P.S+District-Jamui

.... Petitioner/s

Versus

- 1. The State of Bihar
- 2. The District Magistrate, Jamui
- 3. The Principal Secretary,Panchayat Raj Department,Government of Bihar,Patna
- 4. The Panchayat Raj Officer,Jamui
- 5. The Finance Secretary Bihar Patna
- 6. The Commisioner,Jamui

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.467 of 2014

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1. M/S Shilpa Tent House Through Its Proprietor Santosh Kumar Singh Son Of Late Deepnarayan Singh Resident Of Mohalla- Nimarang, P.S. And District- Jamui

.... Petitioner/s

Versus

- 1. The State Of Bihar
- 2. The Principal Secretary, Panchayat Raj Department, Bihar, Patna
- 3. The Election Commission, Bihar State, Bihar, Patna
- 4. The Commissioner, Bhagalpur

5. The District Collector, Jamui
6. The District Panchayat Raj Officer, Jamui
7. The District Election Commission, Jamui

.... Respondent/s

Appearance :

(In CWJC No.19797 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Gp18- Vivek Prasad

(In CWJC No.19809 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Gp19- Rajesh Kumar

(In CWJC No.19810 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Gp20- Nadeem Seraj

(In CWJC No.19811 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Gp21- Sanjay Pandey

(In CWJC No.19812 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Gp17- Binod Ji Verma

(In CWJC No.467 of 2014)

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Respondent/s : Mr. Harish Kumar

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

3 13-07-2015 Heard Mr. Satya Prakash Parasar for the petitioners in present batch of writ petitions and Mr. Vivek Prasad, G.P. 18 assisted by the other Counsels for the State. Since the writ petitions raise identical grievance with regard to non-payment of the dues on account of the work(s) they executed/performed during the Panchayat Elections held in the district of Jamui in the year 2011, they have been heard together with the consent of the parties and are being disposed of by the present order.

A counter affidavit has been filed on behalf of the

respondent District Magistrate as well as the respondent Government in the Department of Panchayati Raj (respondent no. 2).

In nutshell, the grievance of the petitioners is that during the Panchayat Elections conducted in the district of Jamui, they were called upon to execute certain work or supply articles relating to election. On such orders issued by the authority conducting the election, they executed/performed the work. Having completed the work, they submitted the bills. Relying on Annexure-1 (communication dated 3.8.2013 issued by the respondent District Magistrate and addressed to the Principal Secretary of the Government), it has been submitted that their individual claim was found admissible yet the petitioners have not been paid their legal dues because of the evasive approach of the Government in not releasing the amount/fund for unsustainable reasons.

Mr. Vivek Prasad, learned G.P. 18, on the other hand, submits that the Government has already laid down the broad guidelines/heads under which the items required for holding election are to be purchased/supplied. The District Magistrate in the communication referred to above has requested for a lump sum amount of Rs. one crore and odd. In other words, the District Magistrate has not examined the individual claim of the petitioner

in the light of the instructions of the Government and requested for release of the fund. If that is done, the respondent will examine the same and release the same forthwith for payment of the dues of the petitioners.

Counsel for the petitioners, at this stage, submits that in several identical writ petitions raising identical grievance claims, dues have been cleared and paid on the orders of this Court.

Be that as it may, considering the grievance of the petitioners in the light of the counter affidavit(s) filed by the respondents, I am persuaded to dispose of the present batch of writ petitions by the following order:-

Let the District Magistrate, Jamui (respondent no. 2) examine the claim(s) of the petitioners herein within four weeks of production/receipt of this order and thereafter request the Government in the Department of Panchayati Raj (respondent no. 3) for release of the fund case wise. If the demand for release of fund for payment of the legal dues of the petitioners made by the District Magistrate is found in order, the Principal Secretary of the Department (respondent no. 3) shall ensure release of the fund within three weeks from the date of receipt of the communication of the District Magistrate in respect of the claim of the petitioners. In case the respondent fails to comply with this order, the

petitioners shall be entitled to payment of interest on the legal/admissible dues @ 12 % per annum from the date of expiry of the time granted under this order which the respondent State of Bihar shall be entitled to recover from the erring officer.

(Kishore Kumar Mandal, J)

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