

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4470 of 2009

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Girish Chandra Singh, Son of Sri Deo Nandan Singh, resident at F-6,Block-4, Flat No. 134, Housing Colony, Bahadurpur, Kankarbagh, Patna-800020.

.... Petitioner/s

Versus

1. The General Manager, East Central Railway, Hajipur, District- Vaishali.
2. Chief Administrative Officer, (South) Construction, East Central Railway, Mahendru Ghat, Patna.
3. The Chief Engineer, Construction, East Central Railway, Ganga Bridge, Mahendru Ghat, Patna.
4. Dy. Chief Engineer, Construction, East Central Railway, Ganga Bridge, Digha Ghat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate.

For the Respondent/s : Mr. Bindhyachal Singh, Advocate.
Mr. Parijat Saurav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 13-01-2015

Heard learned counsel for the parties.

2. Learned counsel for the petitioner, in support of the

following prayer made in this writ application:

(A) to issue appropriate writ against the respdonents to pay Rs. 10,47,394/- which was due on account of final bill submitted to the respondents for the contract work completed on 28.11.2006 along with security money for Rs. 11,35,000/- total Rs. 21,82,394/- plus other dues on account of work done at N.C. Ghose High School, Khagaul",

submits that even though there is no dispute of any nature whatsoever, the petitioner stands deprived of a sum of Rs. 11,35,000/- till date.

3. In this regard, he also relies on an endorsement/certification of the Deputy Chief Engineer

(Con)/Government of Bihar, East Central Railway, Dighaghat/Patna, wherein he had issued a certificate with regard to petitioner being entitled for payment of balance amount beyond Rs. 1,80,27,858.23 paise against the final bill of Rs. 1,91,45,674.19 paise.

4. This writ application was filed on 08.04.2009 and a period of almost six years has not been sufficient for the respondent authorities of Railways to file their counter affidavit. The copy of the writ application was served on the learned counsel for the Railways way back in the month of April 2009 and, therefore, now this Court cannot keep the writ application pending.

5. Since, learned counsel for the petitioner has submitted that even during the pendency of this writ application, the balance amount to the tune of Rs. 10,47,394/- as also the security amount of Rs. 11,35,000/- in total Rs. 21,82,394/- has not been paid to the petitioner as yet, this Court, now instead of keeping the writ application pending, would dispose of the same with a direction to the General Manager, East Central Railway, Hajipur and the Chief Engineer (Construction), East Central Railway, Patna to examine the claim of the petitioner and also make payment of the admissible amount as claimed in this writ

application within a period of four months from the date of receipt of this order.

6. It, however, goes without saying that if such payment or part payment thereof, as admissible and payable, has already been made to the petitioner, there would be no need to go into the issue once again and only a communication to this effect, as with regard to dispose of the claim of the petitioner, will be made by the office of the respondent nos. 1 and 3.

7. With the aforementioned observation and direction, this writ application is disposed of.

Sujit/-

(Mihir Kumar Jha, J)

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