

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7374 of 2009

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M/S Shanti Decorators through its Propreitor Prasanta Kumar Sinha, son of late Nagendra Prasad Sinha, resident of Swami Vivekanand Path-126, Adampur, P.S. Adampur (Kotwali), Dist. Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Sub-Divisional Officer, Sadar, Bhagalpur.
4. Nazarat District Deputy Collector, Bhagalpur.
5. Circle Officer, Sultanganj, Dist. Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlendu Mishra, Adv.
Mr. Poonam Mishra, Adv.
For the Respondent/s : Mr. J.P. Karn (AAG9)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 27-01-2015

Heard learned counsel for the parties.

From perusal of the relief portion as also the averments made in the writ application, it would be clear that the petitioner was being favoured with certain work order by the office of the Sub-Divisional Officer, Sadar, Bhagalpur for providing certain services in the Shravani Mela of 2008. The petitioner in terms of those orders of the Sub-Divisional as contained in Annexure 1, 2 & 2/1, the petitioner is said to have completed the work and, thereafter, had submitted a bill to the tune of Rs. 7,48,566/- but the respondent Sub-Divisional Officer on verification had made payment of Rs. 2,17,939/-. The petitioner, however, had refused to accept such amount. The

petitioner, thereafter, had filed a representation before the Collector of the Bhagalpur district on 17.10.2008 and when no answer was given to the petitioner, he had filed this writ application on 2.7.2009.

Let it be noted that in a period of more than 5 1/2 years, no counter affidavit has been filed in this case. From reading of the government order, it does not appear that any particular rate was prescribed and, therefore, this Court would find it difficult to decide the issue.

As noted above, the petitioner had filed his representation before the Collector on 17.10.2008 and this writ application was filed on 2.7.2009 and, therefore, in absence of counter affidavit, this Court would direct the Collector of Bhagalpur district to reconsider the grievance of the petitioner as specifically highlighted in its representation dated 17.10.2008 and take a specific decision within a period of three months from the date of receipt of this order.

It, however, also goes without saying that if the petitioner on reconsideration by the Collector of Bhagalpur district is found entitled for any further sum of payment, that amount will be also paid to the petitioner in next one month.

In the event, the Collector of the Bhagalpur district will not find the petitioner entitled for payment of any amount beyond the amount offered to him to the tune of Rs. 2,17,939/-, he will be under

obligation to give reason for rejecting the claim of the petitioner within the same period of three months.

In order to expedite the process, this Court would give liberty to the petitioner to file a representation enclosing evidence for his entitlement as against the claim being made in his earlier representation dated 17.10.2008 with a copy of this order and the period of three months shall commence only from the date of filing of the representation by the petitioner.

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

(Mihir Kumar Jha, J)

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