

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3988 of 2009

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Manish Kumar, S/o Sri Uday Shankar Paswan, resident of Samanpura Lane,
Raja Bazaar, P.S. Shashtri Nagar, Town & Dist. Patna.

.... Petitioner/s

Versus

1. The Patna Municipal Corporation through the Municipal Commissioner, Patna.
2. The Municipal Commissioner, Patna Municipal Corporation, Patna.
3. The Additional Municipal Commissioner, Patna Municipal Corporation, Patna.
4. The Chief Accounts Officer, Patna Municipal Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Alok Ranjan, AC to Ga-13

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 13-01-2015 No one appears either for the petitioner or even for the Patna Municipal Corporation. Learned Counsel for the State is however present.

2. This writ application seeking direction for payment of RS.25,750/- towards rent of the vehicle of the petitioner which was engaged by the respondent Patna Municipal Corporation for the purpose of official use for the period 1.10.2006 to 11.1.2007 cannot be decided in absence of the learned counsel for the Patna Municipal Corporation who has not even remained present when this case has been called out. Let it be noted that even a counter affidavit has not been filed by the Patna Municipal Corporation.

3. Nonetheless, from the representation of the



petitioner dated 18.6.2007 addressed to the Municipal Commissioner, it appears that certain payment was made to the petitioner by a cheque dated 19.6.2006 covering the hire charges for the period 16.7.2006 to 30.9.2006 but, the grievance of the petitioner for payment of hire charges of his vehicle for the period 1.10.2006 to 11.1.2007 to the tune of Rs. 25,750/- had not been redressed.

4. There is however nothing on record to show that any work order was issued to the petitioner for supply of the vehicle for the period 1.10.2006 to 11.1.2007. The earlier payment order issued by the Patna Municipal Corporation dated 19.10.2006 had only recorded engaging the vehicle of the petitioner for a period of 16.7.2006 to 30.9.2006. Thus, there are a lot of unfilled gaps in the pleadings of the petitioner on account of which the aforementioned claim for payment of Rs. 25,750/- of the petitioner cannot be said to be admitted claim.

5. In such a situation, while this Court is not inclined to pass any order but, then, as the respondent Patna Municipal Corporation (P.M.C.) has not filed any counter affidavit, this writ application is disposed of with a liberty to the petitioner to approach the authorities of the Patna Municipal Corporation as with regard to the claim, in question, with relevant proof of there

being a valid work order followed by proof of supply of vehicle and its use by the respondents officials of the Patna Municipal Corporation. If such a proof is furnished by the petitioner along with its representation and a copy of this order, the respondent authorities not P.M.C. would make necessary payment of the admitted amount if any after making verification from its officials.

6. This Court hopes and believes that this exercise shall be completed within a period of three months from the date of filing of the representation along with a copy of this order.

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

(Mihir Kumar Jha, J)

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