

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8980 of 2011

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Satyendra Kumar Patel, S/O Sri Ganga Prasad, resident of Village - Haziyapur, P.S.
- Gopalganj, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary of Health Department, Bihar, Patna
3. The District Magistrate, Gopalganj
4. The Civil Surgeon, Sadar Hospital, Gopalganj, Distt.- Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate.

For the Respondent/s : Mr. S.A. Alam, SC-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-09-2015

The present writ petition has been filed for setting aside the order dated 07.03.2009 passed by the Civil Surgeon, Sadar Hospital, Gopalganj whereby without any show cause, without any previous notice the contract of the petitioner has been cancelled as well as for making of payment of Rs. 83,636.00 for the work already done by the petitioner.

2. Learned counsel for the petitioner submits that pursuant to an advertisement he was selected for the work of plantation of flowers and plants in Sadar Hospital, Gopalganj for the financial year 2008. It is submitted that the contract work had been completed for the period 9.6.2008 to 30.09.2008 but the bill for the completed work submitted by the petitioner remains unpaid. In course of arguments, learned counsel for the

petitioner submits that the work related only for a period of about four months the prayer with regard to setting aside the order dated 7.3.2009 is not pressed.

3. As regards the issue relating to non-payment of dues of the petitioner for completion of the work as claimed, this writ petition is disposed of with consent, granting liberty to the petitioner to approach the Civil Surgeon, Sadar Hospital, Gopalganj (Respondent No. 4) with a fresh representation, who will examine the matter and take steps for payment of the admitted dues of the petitioner within a period of six weeks from the date of receipt/production of a copy of this judgment. If the admitted amount is not paid to the petitioner within such period then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the entire claim of the petitioner is not found admitted then it should be communicated the reasons for reaching such conclusion.

4. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/-

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