

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8817 of 2010

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Amrendra Kumar S/O Late Ram Niranjana Sharma, R/O Mohalla-
Sahdullapur, P.S. Lallganj, Distt.- Vaishali

.... Petitioner/s

Versus

1. The Chairman Railway Board, New Delhi
2. G.M. Eastern Central Railway, Hajipur
3. Principal Chief Engineer, Electrical, East Central Railway, Hajipur
4. Divisional Railway Manager, Danapur
5. Senior D.E.E. TRD, Danapur
6. Senior Section Engineer T.R.D. Arrah
7. Senior Sectional Engineer T.R.D. Bakhtiyarpur, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Dular Sah

For the Respondent/s : Mr. Arvind Ujjwal

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 13-03-2015 Heard the parties.

The grievance of the petitioner in the present writ petition is that his lawful admitted contractual dues is not being paid by the respondents. Therefore, he has prayed for issuance of a direction to the respondents for payment of contractual dues along with interest for the works already done.

This writ petition was filed on 17.05.2010 and despite the order dated 18.05.2010 passed by a Bench of this Court, counter-affidavit has not been filed on behalf of the respondents controverting the claims of the writ petitioner, though almost five years have elapsed since the date of filing of the writ petition.

In view of nature of claims raised on behalf of the petitioner in the present writ petition, this Court is of the opinion that instead of keeping the matter pending and asking the learned counsel appearing on behalf of the Railways for filing counter-affidavit, the interest of justice shall be sub-served if the petitioner

is granted liberty to file a comprehensive representation with all supporting documents before the respondent Divisional Railway Manager, Danapur (Respondent No.4) raising all the pleas, which have been raised in the present writ petition. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioner within a period of four weeks from today with a certified copy of the present order, then the respondent No.4 either himself or any other competent authority of the respondent Railways shall be obliged to consider and decide the claims of the petitioner by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation.

If on consideration of the materials the competent authority of the Railways comes to a conclusion that claims raised on behalf of the petitioner are admissible to him, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

This is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner in the present writ petition and it is left to be decided by the competent authority of the Railways strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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