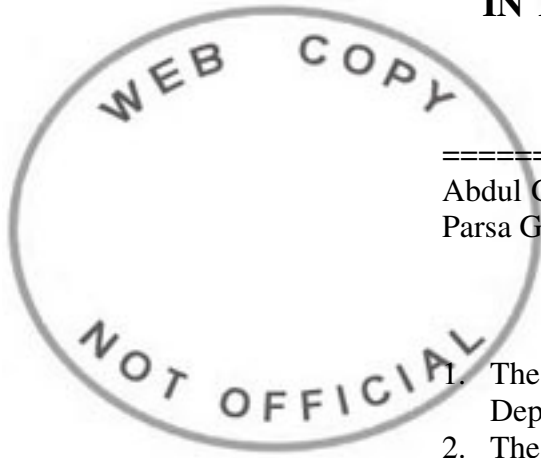




IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1570 of 2012
In
Civil Writ Jurisdiction Case No. 1974 of 2012

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Abdul Gaffar Son Of Late Ali Raza Resident Of Village - Parsa Garh, P.O-
Parsa Garh, P.S.- Ekma, District - Saran

.... Appellant.

Versus

1. The State of Bihar, through the Principal Secretary, Road Construction Department, Viswasariya Bhawan, Bailey Road, Bihar, Patna
2. The Principal Secretary, Road Construction Department, Viswasariya Bhawan, Bailey Road, Bihar, Patna
3. The District Magistrate, Saran At Chapra
4. The Engineer-in-Chief- Cum -Special Secretary -Cum- Additional Commissioner, Road Construction Department, Vishwasariya Bhawan, Patna
5. The Chief Engineer, North Bihar Zone, Road Construction Department, Darbhanga, Bihar
6. The Superintending Engineer, Saran Road Division, Road Construction Department, Hajipur, Bihar
7. The Executive Engineer, Road Construction Department, Chapra Division, Chapra, Saran
8. The Sub-Divisional Officer I, Road Construction Department, Chapra Sub-Division I, Chapra
9. The Accountant-Cum-Cashier, Road Construction Department, Chapra Division, Chapra
10. The Junior Engineer, Road Construction Department, Chapra Division, Chapra

.... Respondents

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Appearance :

For the Appellant : Mr. Mahesh Narayan Parbat, Advocate.

For the Respondents : Mr. Bijay Kumar Pandey, AC to SC-5

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

3 17-07-2015 For the reasons indicated in the Interlocutory

Application No. 6624 of 2012 the delay in filing this letters patent

appeal is condoned.

This letters patent appeal has been filed assailing the Order No. 2 dated 08.05.2012 passed in C.W.J.C. No. 1974 of 2012 whereunder the learned single Judge has refused to set aside the order dated 21.10.2011 passed by the Executive Engineer pursuant to the direction of this Court contained in order dated 04.08.2011 passed in C.W.J.C. No. 11856 of 2005.

It is submitted on behalf of the appellant-petitioner that while refusing to set aside the order dated 21.10.2011 this Court should have at least allowed the appellant-petitioner to approach the appropriate forum as was directed under order dated 04.08.2011 in the event his grievances are not taken care of by the Executive Engineer.

Counsel for the appellant and the State are agreed that the Arbitration Tribunal is in existence and the appellant-petitioner should have been well advised to assail the order dated 21.10.2011 before the Arbitration Tribunal.

Having heard counsel for the parties Order No.2 dated 08.05.2012 passed in C.W.J.C. No. 1974 of 2012 is modified in view of order dated 04.08.2011 to the extent that the appellant is at liberty to approach the Arbitration Tribunal for redressal of his grievances against the order dated 21.10.2011 passed by the

Executive Engineer in accordance with law. The appellant-petitioner should file an appropriate petition before the Arbitration Tribunal within 30 days from today annexing a copy of this order.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

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