

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3456 of 2015

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Arun Kumar, son of Ramgopal Mahensaria, Proprietor M/S Arunalay Resident of E-107, Raj Kishori Complex, Mulchand Path, Chitragupta Nagar, Kankarbagh, Patna-800020,

.... Petitioner

Versus

1. The State of Bihar,
2. The Principal Secretary (Gramin Vikash) Rural Development, Govt of Bihar, Patna,
3. The Deputy Development Commissioner Rural Development Jammue Bihar,
4. Director General, Bihar Institute Public Administration and Rural Development Walmi Campus Phulwarishariff Patna,
5. The District Magistrate Bhojpur Bihar,

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajesh Dayal, Advocate

For the State : Ms Nivedita Nirvikar, GA10

Mr. Manoj Kumar, AC to GA 10

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-03-2015

Learned counsel for the petitioner is permitted to make necessary correction with respect to description of respondent no. 2 in the cause title.

I have heard learned counsel for the petitioner and the State.

In view of the nature of the order which is going to be passed in this case, this writ application is being considered without waiting for filing of the counter affidavit on behalf of the State respondents.

Petitioner seeks direction to the respondent authorities to pay the admitted dues of Rs. 5,15,534/- with interest.



It is submitted on behalf of the petitioner that in view of the decision communicated by the State Government to all the Deputy Development Commissioners an order was given to the petitioner and he had supplied the articles which stand described in Annexure 1. Learned counsel further submits that a total amount of Rs. 5,15,534/- was to be paid by the respondents but the same has been held up without any rhyme or reason.

If the claim of the petitioner is correct then it is very unfortunate situation in which even after supply of the materials the admitted dues have been held up by the State respondents.

In such a situation, this writ application is being disposed of granting liberty to the petitioner to approach the respondent no. 2, i.e., the Principal Secretary, Rural Development, Government of Bihar, Patna, by filing a representation along with a copy of this order. On such a representation being filed by the petitioner, the respondent no. 2 would be obliged to examine the matter and ensure payment of the unpaid admitted amount to the petitioner, if any, within a period of six weeks from the date of filing of such representation. If it is found that without any rhyme or reason the admitted amount has not been paid to the petitioner then in such case the petitioner would also be entitled for simple interest on the unpaid amount at the rate of 10% per annum if admittedly the order has been placed by the respondent concerned

and materials have been supplied and non-availability of fund, thereafter, cannot form a ground for non-payment of the dues.

(Dr. Ravi Ranjan, J)

SC/-

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