

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20057 of 2014

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M/s Om Sri Construction through its working partner Pravin Kumar Jha,
Son of Bhagern Jha, resident of Village Lavapur Narain P.S.- Mahnar,
District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
3. Principal Secretary, Department of Minor Water Resources, Government of Bihar, Patna.
4. Project Coordinate Tubewell Wing, Bisheshwaraya Bhawan, Bailey Road, Patna.
5. Chief Engineer, Tubewell, Muzaffarpur, Sherpur, Bypass Road, Muzaffarpur.
6. Superintending Engineer, Tubewell Circle, Darbhanga.
7. Executive Engineer, Tubewell Division, Samatipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.K.Thakur, Advocate.

For the Respondent/s : Mr. Madhukar Krishna Sinha, SC-1.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 13-01-2015 Heard learned counsel for the parties as with regard to
the following relief prayed in this writ application:

"1. That this is an application for issuance of appropriate writ, order or direction for directing the respondents to make the final payment to the petitioner of the admitted dues for which the work was completed by the petitioner as per Agreement no. 01F2/2013-14, 02F2/2013-14 and 02F2/2012-13."

2. Mr. A.K.Thakur, learned counsel for the petitioner, having realized that this writ application was filed by the petitioner of three different agreements of the different work orders, would not have been maintainable, has come out to deposit the court fee for rest of the two cases, which is only accepted in

view of the proposed order, which is being passed herein after.

3. As would be evident from the pleadings in the writ application that the petitioner claims to have completed the work in respect of three different agreements as specifically mentioned in the prayer portion. It is the case of the petitioner that he has completed the work not only satisfactorily but there is no dispute whatsoever in the quality or quantity of the work performed by the petitioner.

4. Mr. Thakur, on the basis of this admitted facts wanted to get a direction for payment of admitted amount to the petitioner

5. This Court, by an order dated 03.12.2014, had directed the respondents to file their counter affidavit within a period of two weeks, but despite expiry of period of more than four weeks, no such counter affidavit has been filed as yet. In this situation, this Court would direct the respondents to consider the claim of the petitioner for payment of admitted dues, if any, and also make payment of the same within a period of three months from the date of receipt of a copy of this order.

6. If, however, for any valid and justified reasons, such payment cannot be made to the petitioner, the respondents in the same period of three months also must communicate the reasons

thereof.

7. It also goes without saying that if the claim of payment of the petitioner of any portion of the dues or the whole of it, is disputed, and order to this effect is communicated to the petitioner, he will not be entitled to move this court and in such event he will have to move before the competent Civil Court and/or arbitration proceeding, as may be available to the petitioner in terms of the *inter parte* agreement.

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

(Mihir Kumar Jha, J)

Sujit/-

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