

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4263 of 2011

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M/S Rasto Pharmaceuticals having its Office at Rastogi Bhawan Dr. B.B. Ghosh Lane, Motijheel, P.S. Town Thana, Town & District Muzaffarpur through its Proprietor Gopal Kumar Rastogi

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Superintendent, District Jail, District Kishanganj
3. The Medical Officer, District Jail, Kishanganj, District Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subroteshar De

For the Respondent/s : Md. Harun Quareshi, AC to SC-18

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

4 22-06-2015

Heard the parties.

Though this writ petition was filed way back on 07.03.2011 raising a grievance about non-payment of his lawful dues, yet despite passage of more than four years, counter-affidavit has not been filed on behalf of the respondents.

In view of the nature of claims raised on behalf of the petitioner, this Court is of the opinion that no useful purpose shall be served by keeping the present matter pending any longer asking the State authorities to file a counter-affidavit with respect to the claims raised on behalf of the petitioner in the present writ petition. However, in the given facts of the case, the interest of justice shall be sub-served if the petitioner is granted liberty to file a comprehensive representation before the respondent no. 2 with all supporting documents in support of his claims, 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.2 either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claim of the petitioner by a reasoned and speaking order at an early date preferably within a period of three months from the date of filing of such representation.

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

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioner particularly in view of the fact that counter affidavit has not been filed on behalf of the respondents in the present proceeding, and it is left to be decided by the competent authority 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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