

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7666 of 2014

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Ram Nandan Prasad Singh Vimal son of Late Baleshwar Prasad Singh, resident of village - Shahjadpur, P.S. Uda Kishunganj, District - Madhepura

.... Petitioner/s

Versus

1. The State of Bihar
2. Secretary, Minor Irrigation Department, Government of Bihar, Patna
3. Engineer - in - Chief, Minor Irrigation department, Government of Bihar, Patna
4. Chief Engineer (North) Minor Water Resources Department, Muzaffarpur
5. Superintending Engineer, Minor Irrigation Circle Darbhanga
6. Executive Engineer, Minor Irrigation Division Samastipur
7. Divisional Commissioner, Darbhanga
8. Secretary to Divisional Commissioner, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umeshwar Prasad Singh

For the Respondent/s : Mr. Kinkar Kumar, SC-22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-01-2015

Heard the parties.

The grievance of the petitioner is that despite the office order No. 158 dated 20.03.2009 passed by the respondent Chief Engineer (North), Minor Water Resources Department, Government of Bihar, Muzaffarpur, the benefits admissible to the petitioner are not being granted only on the ground that requisite approval has not been granted by the Divisional Commissioner, Darbhanga.

It is the case of the petitioner that the department had written several letters to the Divisional Commissioner (respondent no.7), but the appropriate final order has not been passed by him, as a result of which the consequential benefits are not being paid to the petitioner.

In view of the nature of claims/disputes raised on behalf of the petitioner in the present proceeding, this Court is of the opinion

that 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 Commissioner, Darbhanga 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 Divisional Commissioner, Darbhanga either himself or any other competent authority of the respondent State 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 three months from the date of filing of such representation.

If on consideration of the materials the competent authority comes to a conclusion that claims/ grievances 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 this 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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