

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.291 of 2015

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Dinesh Prasad Singh S/o Late Joginder Singh R/o village - Moriyand, P.S.
Angarghat, District – Samastipur Petitioner

Versus

1. The State of Bihar through the Secretary Govt. of Bihar
2. The District Magistrate, Samastipur
3. The Executive Engineer, Building Division, Samastipur
4. The Deputy Development Commissioner, Samastipur
..... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

2 19-01-2015 Heard learned counsel for the petitioner as with regard to solitary relief sought in this writ application confined to seeking a direction to the Respondents for making payment for the work done by the petitioner in pursuance to agreement No. 03F2 of 2006-07.

2. Learned counsel for the petitioner having drawn attention of this Court to the communication of the Executive Engineer, Building Construction Department, dated 5.8.2014 has submitted that it is only on account of absence of allotment of fund that the petitioner's payment of the admitted amount has been withheld.

3. In that view of the matter, when the learned counsel for the State also is not present and there does not seem to be any sort of dispute with regard to admitted claim of the petitioner, this



Court would direct the respondent no.3 to ensure that the admitted amount of dues of the petitioner as admitted by the authorities on the basis of work done by the petitioner must be made within a period of four months from the date of receipt of this order.

4. It is made clear that if funds for this purpose would be required, the District Magistrate, Samastipur will do the needful to ensure that such funds are made available because earlier the funds allocated for payment of bills of the petitioner and other similar works was sought to be diverted under the orders of the District Administration for some other work. It is thus the duty of the District Magistrate, Samastipur to ensure that the funds meant for payment of amount to the petitioner are restored to the Executive Engineer, Samastipur so that payment of admitted amount is made to the petitioner.

5. As this Court has passed this order in absence of the learned counsel for the State and also without there being any counter affidavit, this much liberty is given to the District Magistrate, Samastipur and the Executive Engineer, Building Division, Samastipur that if for any valid and justified reason any portion or full of the claim of the petitioner is not found payable on account of any laches or deficiency in service of the petitioner,

reasons thereof must be communicated to the petitioner within the same period of four months.

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

(Mihir Kumar Jha, J)

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