

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1279 of 2015

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Kumar Ramashray Prasad, son of Jagdish Yadav, resident of village Gohri
(Deo Nagar), P.S.- Chanan, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in-Chief cum Special Secretary, Rural Work Department, Government of Bihar, Patna.
4. The Chief Engineer, Rural Work Department, Government of Bihar, Patna.
5. The Superintending Engineer, Rural Work Department, Munger Division, Munger.
6. The Executive Engineer, Rural Work Department, Sheikhpura, District-Sheikhpura.
7. The Assistant Engineer, Rural Work Department, Works Division, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

Mr. Sanjeev Kumar

For the Respondent/s : Mr. Sc13- Arvind Kumar-1

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 17-07-2015 Heard the Counsel for the petitioner and A.C. to S.C. 13 for
the State.

A counter affidavit has been filed on behalf of the
Respondent nos. 5, 6 and 7. Petitioner has filed rejoinder thereto.

Precisely, the grievance of the petitioner is that he was
assigned the job of constructing road under the Pradhan Mantri
Gram Sarak Yojna for package No. B.R.-19R-025 (Lakhisarai-
Sheikhpura Road to Chotha Path inasmuch as an agreement was
also reached between them. The petitioner claims to have

completed the work according to specifications and submitted the bills sometimes in the year 2012-13. The grievance is that the payments have not been made although the relevant entries have already been made in the measurement book and verified by the authority.

In the counter affidavit, it has been stated that owing to evasive attitude of the petitioner, the respondent intended to terminate/rescind the contract but on assurance given by the petitioner, the same was not done. Now a claim is being raised for payment of the work which they claimed to have executed/performed although the petitioner failed to complete the work as per agreement/specifications. It thus appears that there is a dispute with regard to actual execution of work and the payment to which the petitioner would be entitled.

Counsel for the petitioner has taken a stand that the matter be disposed of permitting the petitioner to make a representation in this regard before the respondent Chief Engineer, Rural Works Department, Government of Bihar (respondent no. 4), who may be directed to examine the grievance of the petitioner and pass appropriate orders.

Having heard the parties, the writ application is disposed of by permitting the petitioner to raise a grievance with regard to

non-payment of the legal dues of the petitioner along with the necessary papers/documents as also a copy of this order before the respondent no. 4 within four weeks. If any such representation is filed, the said respondent will examine the said grievance of the petitioner and take appropriate decision thereon as quickly as possible preferably within six weeks of such filing/presentation. In case the Chief Engineer finds any of the dues of the petitioner admissible, he will ensure payment thereof to the petitioner within two months thereafter.

(Kishore Kumar Mandal, J)

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