

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3344 of 2010

M/S Kumar Traders through its Proprietor Rajeshwar Prasad Verma, S/O Late Paras Nath Pd. Verma, R/O Moh.- Nakched Tola, Thakurbari, P.S.- Chhatauni, Distt.- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer, P.H.E.D. Patna
3. The Superintending Engineer Mechanical Circle, P.H.E.D. Ramna, Muzaffarpur
4. The Executive Engineer Mechanical Division, P.H.E.D. Ramna, Muzaffarpur
5. The Sub-Divisional Officer Mechanical Sub-Divisional, P.H.E.D. Motihari
6. The Junior Engineer Mechanical Section, P.H.E.D. Motihari and Bettiah
7. The Junior Engineer Mechanical Section, P.H.E.D. Dhaka, East Champaran

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. D.K.TONDON

For the Respondent/s : Mr. Rajesh Kumar, AC to GA-IV

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 19-02-2015

Heard the parties.

The petitioner has filed the present writ petition seeking a direction to the respondents for payment of Rs. 1, 68,165/- for the works already completed by him, which all have been detailed in paragraph-5 of the writ petition.

A counter-affidavit was filed on behalf of the respondent no.4 way back on 26th March, 2010 wherein major part of the claim of the petitioner was disputed. However, certain part of the claims of the petitioner was admitted in paragraph-8 of the aforesaid counter-affidavit. It was also stated in that paragraph that as soon as the fund is received, the petitioner will be paid his admitted dues.

In compliance of the oral direction of this Court, a supplementary counter-affidavit has been filed on behalf of the respondent no. 4 wherein it has been stated in paragraph-3 that an

amount of Rs. 34,682/- has already been paid to the petitioner and he has issued receipt in token thereof. However, in paragraph-2 of the aforesaid supplementary counter-affidavit, it has further been stated that certain bills of the petitioner were passed and were sent for sanction before the respondent Chief Engineer and as soon as the fund is received, the petitioner will be paid the said amount.

A reply has been filed on behalf of the petitioner wherein it has been stated that even admitted dues of the petitioner has not been paid till date.

In the aforesaid facts and circumstances, the petitioner is directed to appear before the respondent no.4 with all documents in support of his claims particularly the claim which has been admitted in the counter affidavit within a period of one month. If the petitioner appears before the respondent no.4 within the aforesaid period of one month with a certified copy of the present order, then the respondent Executive Engineer shall be obliged to consider his claim with respect to non-payment of his admitted dues and he shall be obliged to pay the remaining admitted dues of the petitioner within a maximum period of one month from the date of appearance of the petitioner in the manner indicated above.

It is clarified that non-compliance of the present order will be viewed seriously if it is brought to the notice of this Court.

The present writ petition is disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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