

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4239 of 2015

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Kaun Ansari Son of Late Wajid Ali resident of Village- Ratanamal P.S. - Bagaha ,
District - West Champaran.

.... Petitioner

Versus

1. The State of Bihar , through Secretary to the Government , Building Construction Department , Vishwasaraiya Bhawan , Bailey Road, Patna.
2. The Engineer-in-Chief, Bihar, Building Construction Department, Visheshwariaya Bhawan , Bailey Road , Patna.
3. The Chief Engineer, Building Construction Department North Bihar, Patna.
4. The District Magistrate, West Champaran at - Bettiah.
5. The Superintending Engineer, Building Construction Department, Bettiah, West Champaran.
6. The Executive Engineer, Building Construction Division, Bettiah, P.S. Bettiah, District- West Champaran.
7. The Junior Engineer, Building Sub-Division, Bagaha, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prithvi Nath Mishra, Advocate
For the State : M/s. Sandeep Kumar, G.A. 8
Rajesh Ranjan, A.C. to G.A.8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT
Date: 28-04-2015

Let the petitioner make necessary correction in the relief
portion of the writ application with respect to the name of the Chief
Minister.

I have heard learned counsel for the petitioner and the
State.

In view of the nature of order which is going to be
passed in this case, this case is being considered without waiting for
filing of counter affidavit by the State.

Grievance of the petitioner is that, vide Annexure-1, the Executive Engineer recommended the Superintending Engineer, Motihari for favourable consideration of his bid for construction of Helipad Barricading at Valmiki Nagar in view of forthcoming visit of the Chief Minister of the State.

It is submitted that the work order was given and completed. Measurement has also been taken. Record Memo has been appended as Annexure-2. However, it is contended that, thereafter, despite several reminders the admitted due amount of a sum of Rs.1,60,400/- is not being paid by the respondent authority.

Per contra, learned counsel appearing for the State has submitted that the entire things appear to have been done within 24 hours as on the same day order was passed, work has already been completed. The measurement book also does not indicate any extra work done after 2008.

However, learned counsel for the petitioner refers to Annexure-2-1 which is estimate prepared by the Building Construction Department and report on such estimate appears to have been signed by the Junior Engineer and Executive Engineer etc.

Be that as it may, since the petitioner has already approached the respondent no.3, i.e., the Chief Engineer by filing a representation dated 27.12.2012, a copy of which has been appended



as Annexure-3, let the same be considered and disposed of by the Chief Engineer, Building Construction Department, Patna within a period of eight weeks from the date of receipt/production of a copy of this order. He would be required to examine as to whether work order was given or not and whether any amount is admittedly due or not. If he comes to the conclusion that some amount is due to be paid to the petitioner then steps should be taken for its payment within a further period of two weeks, failing which the unpaid due amount would carry simple interest @ 9% per annum to be calculated from the date it became due till its final payment.

However, if the Chief Engineer comes to the conclusion that no amount is due to be paid to the petitioner then he should take a decision recording a reasoned and speaking order which should be communicated to the petitioner immediately.

(Dr. Ravi Ranjan, J)

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