

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2902 of 2015

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Mithilesh Yadav son of Late Nand Lal Prasad Yadav Resident of Village - Jhaua Tola, Ranaha, Police Station - Srinagar (Pujahan Patjeerwa) District - West Champaran

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary Department of Programmes and Development, Government of Bihar, Patna.
3. The Superintendent Engineer, Local Area Engineering Organisation Works Circle, Tirhut Pramandal, Muzaffarpur.
4. The Executive Engineer, Local Area Engineering Organisation Works Division No - 2, Bagaha, West Champaran.
5. The Assistant Engineer, Local Area Engineering Organisation Works Division - 2, Bagaha, West Champaran. null null
6. The Junior Engineering, Local Area Engineering Organisation Works Division - 2, Bagaha

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate

For the State : Mr. Sudhir Kumar, AC to AAG2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-02-2015

Heard learned counsel for the petitioner and the State.

The petitioner, who claims to be a contractor, entered into an agreement with the respondent vide agreement no. 142F2/2013-14, a copy of which has been appended as Annexure 1, for construction of PCC road from Bherihari Compart to Tirhut Canal through Urrawn Basti and the work order was given by Annexure 2 dated 03.03.2014 for Rs. 41,97,997/-.

The petitioner claims that he has completed the work well within time and had approached the Executive Engineer, Local Area



Engineering Organisation, Works Division No. 2, Bagaha, West Champaran, i.e., the respondent no. 4, but not a single penny could be paid to him. He, thereafter, approached the Superintending Engineer, Local Area Engineering Organisation, Works Circle, Tirhut Pramandal, Muzaffarpur, i.e., the respondent no. 3, vide Annexure 3. The respondent no. 3 inspected the site along with respondent nos. 4 and 5 which would be apparent from a report contained in Annexure 4. So far the petitioner's work is concerned, it is stated that the work is complete and the payment to the contractor is nil. It has also been stated that during the course of inspection it has been found that the work has been taken by the petitioner and the same was found to be satisfactory, however, the respondent no.4 was directed to do the measurement of the work done and get the quality of the constructed road checked and verified and, thereafter, ensure payment to the petitioner. In compliance of the aforesaid direction the quality of the petitioner's work was also got verified vide Annexures 6 and 7. The petitioner claims that he has not been paid his dues even after work was found to be satisfactory, he, thus, approached the Secretary, Department of Programmes and Development, Government of Bihar, i.e., the respondent no. 2, by filing a representation for payment of his dues. Since nothing could be done and the payment of an amount of about forty-two lacs rupees is still due which is causing great hardship

to him, the petitioner has approached this Court by filing the present writ application.

In above view of the matter, this Court would direct the Secretary, Department of Programmes and Development, Government of Bihar, i.e., the respondent no. 2, to examine the matter for payment of the dues of the petitioner and after taking decision ensure immediate payment of the admitted dues. Let him also examine as to whether in the facts and circumstances of the case the petitioner is entitled for interest due to non-payment of the dues in case that has not been paid due to the laches on part of the officials. In such a situation, the petitioner would also be entitled for the interest at the rate which would be fixed by the respondent no. 2. Further, if it appears to him that, due to the laches on the part of the officials of the respondents, the dues of petitioner were not paid then he would be at liberty to take steps for fixing the responsibility.

This disposes of the writ application.

(Dr. Ravi Ranjan, J)

SC/-

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