

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21838 of 2014

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1. Deepak Kumar son of Late Lalbahadur Prabhakar resident of village-
Fatahpur , P.S. Chakmaruf , P.S. -Vaishali (Belsar o.p), District- Vaishali

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Secretary , Bihar Public works Department, Bihar, Patna.
3. The superintending Engineer, Rural works Department, Circle-2
Muzaffarpur.
4. The Executive Engineer, Rural Works Department, Work Division-2,
Muzaffarpur.
5. The Assistant Engineer, Rural works Department, work Division-2,
Muzaffarpur.
6. The Junior Engineer, Rural works Department, work Division-2,
Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan No.II, Advocate.

For the Respondents : Mr. S.S. Prasad SC-10

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL

ORAL ORDER

3 13-07-2015 Heard learned counsel for the petitioner and the

State.

A counter affidavit has been filed on behalf of the
respondent no.2. No rejoinder thereto has been filed.

The petitioner was assigned contract work of
construction of bridge (puliya) and the approach road thereof in
the year 2010-11 under the Chief Minister Bridge Construction
Scheme. The writ application has been filed for payment of the
remaining dues in the sum of Rs. 04 lakhs against the bills which
is said to have been submitted by the petitioner under agreement
47F2/2010-11.

In the counter affidavit the respondents have stated that the work was not completed in full by the petitioner. The commencement of the work was 30.12.2010 and the completion date thereof was fixed on 31.3.2011. The Executive Engineer of the Department requested the petitioner to complete the work in full within the stipulated period but the same was not done. The work which the petitioner completed under the agreement was measured and it was found that only 83% of the contract work was completed by him. The entire payment against the work completed has been made to the petitioner.

From perusal of the writ petition particularly on perusal of Annexure-9, it appears that the petitioner claims to have completed 95% of the works therefore he seeks release of the amount for the remaining work. In a case like the dues of the petitioner cannot be held to be admitted by the respondents. No relief by invoking the writ jurisdiction of this Court can be granted to the petitioner.

The writ application is dismissed.

Dismissal of this application shall not preclude the petitioner from ventilating his grievance before the appropriate authority/forum in accordance with law.

(Kishore Kumar Mandal, J)

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