

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4009 of 2015

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Manish Kumar aged about 23 years Son of Sri Sheoparsan Singh Resident of Village - Parsdihan , P.O. - Dumari (Shahpur) , P.S. - Shivsagar , District - Rohtas , Bihar.

.... Petitioner

Versus

1. The State of Bihar through the principal Secretary, Rural Works Department, Govt. of Bihar, Vishesvaraya Bhawan, Patna.
2. The Engineer -In-Chief , Rural Works Department, Govt. of Bihar, Vishesvaraya Bhawan , Patna.
3. The Chief Engineer -I, Rural Works Department, Govt. of Bihar, Vishesvaraya Bhawan, Patna.
4. The Superintending Engineer, Rural Works Department, Sasaram Circle, Takiya, Sasaram, Rohtas.
5. The Executive Engineer (Sri Narendra Singh) Rural Works Department, Sasaram Division-II, Gourakshani, Sasaram , Rohtas.
6. The Assistant Engineer, Rural Works Department, Sasaram Division-II, Gourakshani, Sasaram, Rohtas.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anup Kumar, Advocate
For the State : M/s. Ritesh Kumar, S.C.33
Pankaj Kumar Pankaj, A.C. to S.C.33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-04-2015

Heard learned counsel for the petitioner and the State.

Claim of the petitioner is that the impugned decision communicated to the petitioner vide Annexure 1 which is a letter dated 27.11.14 by which the contract agreement has been cancelled and order for recovery of Rs.13,01,590/- has been passed by the Executive Engineer, Rural Works



Department, Sasaram (respondent no. 5) is in violation of the direction of the Bihar Public Works Contracts Disputes Arbitration Tribunal, Bihar, Patna which is in seisin of the Reference Case No. 108/2013, whereby, the Tribunal has directed respondent no.5, i.e., the Executive Engineer, Rural Works Department, Sasaram Division II, Rohtas to file show cause and take final measurement of the work done by the petitioner. It is submitted that the order passed by respondent no.5 vide Annexure 1 amounts to interference in the matter.

It is submitted that, since the Tribunal was not functional as the term of the earlier Chairman has already expired, this writ application has been filed. However, learned counsel for the State informs that the Tribunal would start functioning by next week as new Chairman has assumed charge on Monday itself.

In such situation, this writ application is being disposed of granting liberty to the petitioner to approach the Tribunal itself for the redressal of his grievance as Reference Case No. 108/2013 is still pending. Petitioner would be at liberty to file proper application before the Tribunal concerned and may also make a prayer for early listing of the case in the facts and circumstances of this case.

However, since apparently Annexure 1 has been passed after the order in Reference Case No. 108/2013 granting interim relief to the petitioner, the same would remain stayed for a period of four weeks. In the meantime the petitioner would be at liberty to make a prayer for obtaining a proper order from the Tribunal.

(Dr. Ravi Ranjan, J)

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