

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20564 of 2014

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1. Navin Kumar Roy S/o - Sri Hemkant Roy Resident of Muhalla - Baluahi,
Ward No. - 24, P.O./P.S./ District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Principal Secretary, Bihar Public Works Department.
3. Collector, Khagaria.
4. Executive Engineer, House Construction Department, Bihar Public
Works Department, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Respondent/s : Mr. Aag10- P.N.Shahi

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 13-07-2015 Heard Mr. Rakesh Chandra for the petitioner and Mr.
Mritunjay Kumar, A.C. to A.A.G.-10 for the State.

The writ application raises a grievance that under agreement, certain repair work was executed by the petitioner in the Financial Year 2011-12. Bills were submitted but till date, the same has not been paid.

The matter was listed under the heading “For Orders” on the premise that if the dues are admitted, the same would be disposed of.

In the counter affidavit, the respondents have denied the claim/dues. It has been stated *inter alia* that repair work was to be done under the head ‘2059’ which had statutory life of one year. In

other words, it was to be completed and payments were to be made thereagainst within the particular financial year. Secondly, it has been stated that after several years, the claims have been raised. On scrutiny, it has been found that the then Executive Engineer is not the signatory on the measurement book.

On a consideration of the facts evidencing from the record, it appears to this Court that the respondents have denied the legal admissibility of the dues. If that be the case, then this Court cannot direct for payment thereof.

The prayer is, accordingly, declined. However, the order present shall not preclude the petitioner from either approaching the competent/appropriate authority of the Government for placing the matter before the Liability Committee for examination for payment of his legal dues or filing appropriate proceeding before the Court.

(Kishore Kumar Mandal, J)

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