

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.4228 of 2015**

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M/s Shiva Enterprises, through its Managing Partner, Meena Devi, W/O Shiv Shankar Prasad, resident of Mohalla- E. P- 2, S.B.S. Colony Mustafabad, Gaya, P.S. - Rampur, District- Gaya.

.... .... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
2. Then Chief Engineer, Rural Works Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
3. The Superintending Engineer, Rural Works Department, Works Division Gaya, District- Gaya.
4. The Executive Engineer, Rural Works Department, Works Division, Gaya, District- Gaya.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Ravindra Kumar Sinha, Advocate

For the Respondents : M/s. Devendra Kumar Sinha, AAG-2

Biresh Kumar Sinha, A.C. to AAG-2

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

ORAL JUDGMENT

**Date: 27-04-2015**

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

Petitioner claims that he has worked for widening and strengthening of Bela Barabar Road to Shivrampur Road under Mukhya Mantri Gramin Sarak Yojana vide agreement No.01F-2/2011-12. It is submitted that, subsequently, he was given extra work with the permission of the department which was also completed by him and the Executive Engineer had informed the Superintending Engineer regarding 5.67% extra work was done.

However, learned AAG-2 submits that there is no

reference in the letter of Executive Engineer regarding the work done by the petitioner though it definitely speaks that 5.67% more work has been done.

In the aforementioned facts and circumstances, this writ application is being disposed of with a liberty to the petitioner to approach the respondent no.2, i.e., the Chief Engineer, Rural Works Department, Patna along with a copy of this order by filing a representation raising his grievance appending therewith all the documents concerned. On such representation having been filed, the Chief Engineer would be required to examine that and take a decision in the matter. If he comes to the conclusion that some extra work has been done by the petitioner admittedly and dues are admitted then he shall take steps for payment of admitted dues along with statutory interest, if any. It is expected that the entire exercise will be completed within a period of eight weeks from the date of filing of representation. It is made clear that if dues are admitted and could not be paid to the petitioner within the aforesaid period, in such case, the petitioner would be entitled for simple interest on the unpaid admitted amount @ 9 % to be calculated from the date it became due till its final payment.

**(Dr. Ravi Ranjan, J)**

N.H./-

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