

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1277 of 2014

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Dilip Kumar Jha Son of Late Digambar Jha Resident of Mohallah - Sukh Nagar,
Madhubani, P.S. K. Hat, District - Purnea

.... Petitioner

Versus

1. The State Of Bihar
2. The Superintending Engineer, Public Health Engineering Department, Public
Health Circle, Purnea
3. The Executive Engineer, Public Health Engineering Department, Public Health
Division, Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. AMIT KUMAR ANAND, ADVOCATE

For the Respondents : Mr. R.R. K PANDEY

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-12-2015

Heard learned counsel for the petitioner and learned counsel for
the respondents.

2. The present writ petition has been filed against the
cancellation of the work order earlier awarded in favour of the
petitioner, and for forfeiture of his security deposit etc., and for
consequential reliefs.

3. At the time of hearing, learned counsel for the petitioner,
however, confines his prayer for a direction to the respondents for
payment of admitted dues by the respondents with regard to the work
already completed by the petitioner as well as for return of the
security/earnest money deposited by him.

4. It is submitted on behalf of the petitioner that pursuant to
the agreement No. F 2-12/2013-2014 dated 30.05.2013 the petitioner
began the work of construction and commissioning of 205 shallow well

hand pumps belatedly by reason of rains and floods in the area. It is submitted that the delay was also attributable in part to the failure on the part of the respondents to supply the list of the places where the work had to be done.

5. Learned counsel for the respondents submits that the petitioner did not work according to the schedule in terms of the agreement.

6. Be that as it may and with the consent of the parties, the writ petition is disposed of granting liberty to the petitioner to approach the Executive Engineer, Public Health Engineering Department, Public Health Division, Purnea (Respondent no. 3) with a fresh representation, who will examine the matter and take steps for payment of the outstanding amount of the admitted dues of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. If the outstanding amount is admitted but not paid to the petitioner within the said period, then it would be entitled for simple interest at the rate of 10% per annum to be calculated from the date it became due till the date of its final payment. It is further clarified that if the remaining claim of the petitioner is not found admitted, then it should be communicated the reasons for reaching such conclusion.

(Vikash Jain, J)

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