

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3808 of 2015

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Ram Naresh Paswan S/o of late Ram Yatan Paswan resident of village - Akha, P.S.-
Samho Saidpur, Distric-Begusarai

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Begusarai.
2. The Principal Secretary, Water Resources, Minor Irrigation, Department, Bihar Patna
3. The Commissioner, Water Resources, Minor Irrigation, Department, Bihar, Patna
4. The Deputy Development Commissioner, Begusarai
5. The Block Development Officer, Matihani, Begusarai
6. The Public Information Officer -cum Director Account Administration & self employment, District Rural Development Agency, Begusarai
7. The District Magistrate, Begusarai.

.... Respondents

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Appearance :

For the Petitioner : M/s. Jitendra Kumar Roy and
Sanjay Prasad, Advocates

For the State : Mr. Apurva Kumar, A.C. to G.A.11

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-04-2015

Learned counsel for the petitioner is permitted to implead the District Magistrate, Begusarai as respondent no.7 in course of the day.

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

Petitioner claims to have been given a work contract for sinking boring under the scheme in the year 1990-91 itself. He further claims that in the light of the guidelines issued by the District Magistrate, Begusarai directing the petitioner to sink 82 borings in the



selected areas, the petitioner completed the work within the stipulated period and submitted work complete report before the Block Development Officer, Matihani vide Annexure-2 dated 01.10.1991 claiming payment of Rs.4,42,925/-. It is claimed that, thereafter, the petitioner approached the authority several times but no payment has been made till date. The authorities have admitted in paragraph-8 of the counter affidavit filed on behalf of respondent nos.4 to 6 that they have been writing letters to the higher authorities for allotment of fund so that the payment could be made to the petitioner, however, since the allotment has not been made as yet, payment could not be made but the payment would be made to the petitioner as soon as the allotment is received.

The averment made in the counter affidavit clearly indicates that the dues of the petitioner are admitted and that has not been paid on the pretext that no allotment has been made by the higher authorities. That apart, the petitioner has also appended the information given by the Information Officer concerned dated 29.05.2014 as contained in Annexure-17. From perusal of the aforesaid document, it appears that the Block Development Officer, Matihani had sought allotment of Rs.4,42,925/- for payment of the dues of the petitioner. It shows that in the aforesaid scheme, Rs.5,22,992/-, i.e., principal + interest, is already available in the

Bank account on that and the State is earning interest and such statement has been made by the petitioner in paragraph-23 of the writ petition has been accepted to be correct in paragraph-14 of the counter affidavit. However, the fact is that the petitioner could not be paid the admitted dues of the year 1991-92 till date.

The Division Bench of this Court in L.P.A. No.1317 of 2010 has observed while considering identical issue that the action of the authority in keeping the admitted dues pending for payment for about 19 years was high handedness, extreme of arbitrariness, and administrative callousness. Further observation is that in such a situation, the respondents must realize that it is the appellant's source of livelihood involving investment having been recognized concept in law and are of considerable importance. The Division Bench awarded 9% interest upon the unpaid amount from the date it became due till its final hearing.

Since amount has been admitted, this writ application is being disposed of directing the respondent no.7 to examine and make payment of the admitted dues along with simple interest @ 9% per annum to be calculated from the date the same became due till its final payment.

Accordingly, this writ application stands allowed.

It is expected that the whole exercise should be

completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

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