

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11378 of 2010

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Sanjay Kumar Mandal S/O Sri Chakradhar Mandal R/O Vill Parvatta,
P.O.Sahu Parwatta, P.S.Ismailpur, Distt-Bhagalpur

.... Petitioner/s

Versus

1. Bihar State Construction Corporation Limited Khwaja Imli, Anisabad, Patna through its Chairman
2. The Managing Director, Bihar State Construction Corporation, Patna
3. The Works Manager, Bihar State Construction Corporation Purnea, Khwaja Imli, Anisabad, Patna
4. Principal Secretary, Water Resources Department Govt. of Bihar, Patna
5. The Engineer-in-Chief (North), Water Resource Department, Irrigation Bhawan, Patna
6. The Chief Engineer, Department of Irrigation, Purnea
7. The Superintending Engineer, Nahar Anchal Purnea
8. The Executive Engineer, Irrigation Pramandal, Banmankhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate
For the Respondent Nos. 1 to 3 : Mr. R.K.Shukla, Advocate
For the Respondent Nos. 4 to 9 : Mr. Alok Kumar, AC to SC 21

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

7 26-03-2015

Heard the parties.

2. The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondent Bihar State Construction Corporation Limited (respondent no.1) and its functionaries to pay his contractual dues to the extent of Rs.5,37,000/- with interest from the due date.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner completed the works allotted to him and he also submitted bills for payment of outstanding dues, yet the payment has not been made by the respondents.

4. A counter affidavit has been filed on behalf of the respondent nos. 2 and 3 wherein the claim raised on behalf of the petitioner has not been disputed, but it has been asserted that the

respondent Corporation is facing financial crunch and due to non-availability of fund, payment is not being made to the petitioner.

5. A separate counter affidavit has been filed on behalf of the respondent nos. 6 and 8 stating therein that the contract was not entered into between the petitioner and the State of Bihar and the contract was between the petitioner and the respondent Corporation. Therefore, the obligation to pay the contractual dues lies with the Corporation and not against the State of Bihar and its functionaries.

6. Mr. Rabindra Kumar Shukla, learned counsel appearing on behalf of the respondent nos. 1 to 3, submits that, the moment fund is released by the State Government, amount shall be paid to the petitioner. It is further submitted that to facilitate early payment, the petitioner may be directed to file a representation before the Principal Secretary, Department of Water Resources, Government of Bihar, Patna, who happens to be the Chairman of the respondent Bihar State Construction Corporation Ltd.

7. The submission made by Mr.Shukla appears to be reasonable.

8. In the above factual matrixes, the petitioner is directed to file a comprehensive representation before the respondent Principal Secretary, Department of Water Resources, Government of Bihar, Patna-cum-Chairman of Bihar State Construction Corporation Ltd. within a period of one month from today with a certified copy of the present order. Thereafter, the Chairman of the respondent Corporation-cum-Principal Secretary, Department of Water Resources, Government of Bihar, Patna shall take into consideration the claims of the petitioner and shall ensure

that the payment of the admitted contractual dues of the petitioner is made within a period of three months from the date of filing of the representation by the petitioner.

9. The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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