

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13095 of 2016

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Laxman Kumar Singh, son of Late Sunder Deo Singh, resident of Village-
Danibigha, P.O. & P.S. - Aurangabad, District- Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the Principle Secretary cum Commissioner,
Department of Rural Works, New Secretariat, Bailey Road, Patna
2. The Engineer-in-Chief, Department, of Rural Works, Government of
Bihar, Patna
3. The Chief Engineer, Department of Rural Works Government. of Bihar,
Patna.
4. The Executive Engineer, Department of Rural Works, Division- II,
Rohtas, Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Agrawal, Advocate
For the Respondent/s : Mr. Kumar Alok, S.C. 7 with Mr. Satyeshwar
Prasad, AC to S.C. 7

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CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

3 17-10-2016 Heard learned counsel for the petitioner and learned
Standing Counsel No.7 for the State.

The petitioner has approached this Court for quashing the
letter dated 6.12.2012 by which the petitioner has been declared
defaulter by the Engineer-in-Chief, Department of Rural Works,
Government of Bihar and has been further debarred from
participating in future tenders.

In the counter affidavit filed on behalf of the State it has
come out that the petitioner has not only been debarred by the
aforesaid letter on account of the failure to perform the terms of
the contract but despite repeated reminders issued even after
debarment he took no step in the matter and ultimately by issuing
show cause notice to which he did not respond the petitioner's
contract has been terminated and advance security amount has
been forfeited.



Now by an I.A. being I.A.No.8121 of 2016 the petitioner seeks to challenge the order of termination.

Considering the fact that the petitioner has approached this Court after such huge period of delay, as also the laches of the petitioner, who has also attempted to show his ignorance about the order of termination which appears to be without any basis, and the fact that the same was also followed by forfeiture of the security amount for which it is difficult to presume that the petitioner would not be informed, this Court does not find any credibility in the said stand of the petitioner.

The writ application is, accordingly, dismissed on the ground of delay and laches.

However, it shall be open to the petitioner to take recourse to appropriate remedy before the appropriate forum in accordance with law.

(Ramesh Kumar Datta, J)

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