

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6457 of 2015

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Manoj Kumar son of late Jagdish Ray, R/o Mohalla - Dharmi Raman Kutir, New
Yarpur, D.V.C. Colony, P.S. - Gardanibagh, Distt. - Patna.

... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary.
2. The Finance Commissioner, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Chairman, Bihar Electric Supply, Patna.
5. The District Magistrate, Bhabhua, Kaimur.
6. The Superintending Engineer, Building Construction Circle, Patna.
7. The Executive Engineer, Electric Estimate Division - 1, D.C.D., Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 25-02-2016

Heard learned counsel for the parties.

The petitioner has moved the Court seeking a direction to
the respondents to pay him Rs. 4,64,471/- in respect of agreement no.
330F2/12-13 having completed the same within the stipulated time.

Learned counsel for the petitioner submits that despite him
having performed the work as per the agreement to the satisfaction of
the respondents, his admitted dues of Rs. 4,64,471/- is held up for no
fault or laches on his part.

Learned counsel for the State, relying upon the averments

made in the counter affidavit, submits that though the dues are admitted but certain formalities are to be completed on account of reorganization and redetermination of the work area of various divisions.

Learned counsel for the petitioner submits that such division finalization has already been made by the respondents and thus, the reason for delay does not exist.

Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, this Court is unable to appreciate the stand of the respondents in delaying payment to the petitioner. Once it is admitted that the petitioner is entitled to a particular amount, the fact that the delay is sought to be explained on account of certain exercise in which the petitioner has no role, cannot be a ground to delay payment of admitted dues. The State having taken work from the petitioner, who is a private person and denying him his dues for a long time is against public interest as it causes loss of faith in the State which cannot be permitted.

Accordingly, let the petitioner be paid his dues of Rs. 4,64,471/-, as has been admitted in the counter affidavit, latest by 25.03.2016. Learned counsel for the State shall communicate the order to the respondents for compliance. To further facilitate payment, let the petitioner also serve a copy of the order on the respondent no. 7

within one week from today.

The writ application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J)

Sujit/-

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