

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18168 of 2014

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1. Sanat Kumar Jha son of Late Bhageshwar Jha, resident of village - Chainpur, P.S. – Bangaon, District- Saharsa, Proprietor Binary Computer and Service, Ranchi, Sector - 2, At Dhurba Police Station - Jaganathpur, District - Ranchi (Jharkhand).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Labour Resources Department, Bikas Bhawan, Bihar, Patna.
3. The Executive Director, Rastriya Swastha Bima Yojna Koshang, Labour Resources Department, Government of Bihar, Patna.
4. The Director, Chikitsa Seva, Rastriya Swastha Bima Yojna, Labour Resources Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tara Nath Jha

For the Respondent/s : Smt. Binita Singh, GP-31

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-02-2016

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

2. The present writ petition has been filed for a direction to the respondents to make payment of dues amounting to Rs. 12,55,006.05/- for work done by the petitioner, with interest thereof.

3. The petitioner was awarded the work of doing the beneficiary data conversion, collection and preparation into RSBY (Rastriya Swastha Bima Yojna) for the different States by the respondent no.3 at the tender rate 19 paise per family.

4. Learned counsel for the petitioner submits that the

petitioner has completed the work which has been got verified and kept on record. The petitioner has even been made partial payments from time to time aggregating of Rs. 4,82,016/- for the B.P.L. work done and it is claimed that the petitioner is entitled to the remaining amount of Rs. 12,55,006.05/- against submission of bills for the work done as aforesaid.

5. Learned counsel for the respondents, on the other hand, submits that the petitioner ought to have availed alternative remedy by way of Money Suit which was available to him. It is further stated that the petitioner had not been selected for award of contract and that the letters of the Executive Director, RSBY sent to the District Magistrates of various districts to enable the petitioner to collect the available B.P.L. data did not amount to work order.

6. This Court is unable to appreciate the stand of the respondents. The specific averment of the petitioner that the work done was verified and kept on record, has not been controverted in the counter affidavit. It has been acknowledged that the petitioner was authorized to collect the B.P.L. data from the various districts. It is also not disputed that work has been taken from the petitioner and the data supplied by him has been accepted by the respondents.

7. In that view of the matter, it is no longer open to the respondents to turn around and deny payment to

the petitioner having already accepted the work and even made partial payments to the petitioner in the past.

8. In the above view of the matter, the Executive Director, Rastriya Swastha Bima Yojna Koshang, Labour Resources Department, Government of Bihar, Patna (respondent no. 3) is directed to verify the pending bills of the petitioner and ensure payment of dues for the work done by the petitioner within a period of eight weeks from the date of receipt/production of a copy of this judgment. Any delay in payment on the said period of eight weeks, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum calculated from the date of submission of the relevant bills till the date of its actual payment.

9. In the above direction, the writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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