

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20327 of 2014

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Mukesh Kumar son of Ramchandra Prasad, Resident of Village Gora Semra, Police Station Majhauriya, District West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Old Secretariate, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Chief Engineer Water Resource Department, Balmiki Nagar Camp at Motihari, District East Champaran.
5. The Superintending Engineer, Water Resource Department, Drainage Circle, Motihari, East Champaran.
6. The Executive Engineer, Champaran Division, Motihari, East Champaran.
7. The Assistant Engineer, Champaran Embankment Sub Division-1, Bettiah, West Champaran.
8. The Junior Engineer, Champaran Embankment Sub Division-1, Bettiah, District West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No.-7, Advocate

For the Respondents: Mr. Subhash Pd. Singh, GA7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-02-2016

The present writ petition has been filed for a direction to the respondents for making payment of Rs. 17,57,908/- to the petitioner for the flood fighting work done at *Ghorahia in Gandak River*.

2. Learned counsel for the petitioner submits that having completed the work, bills of quantity having been signed by the Executive Engineer, as also proforma-24 having been prepared for an amount aggregating to Rs. 17,57,908/- as claimed by the petitioner, no payment whatsoever has been made to him till date. It is further stated that the aggregate value in proforma-24 has since been reduced and



the petitioner is being now asked to enter into an agreement for such reduced amount. It is the specific stand of the petitioner that reduction in the bill of quantity is not commensurate with the daily narrative reports and other documents which were prepared on day-to-day basis while the work was going on. Moreover, such reduction has been made without grant of any opportunity to the petitioner.

3. Learned Government Advocate No. 7, Mr. Subhash Prasad Singh, appearing on behalf of the respondents, on the other hand, submits that the claim of the petitioner in principle is not in dispute rather his claim has to be placed before the Departmental Liability Committee and payment of legitimate amount would be made to the petitioner after departmental approval.

4. Having heard the parties, this Court is of the view that the reduction in the value of the proforma-24 ought not to have been made without grant of opportunity to the petitioner, such action bearing to the detriment of the petitioner.

5. In the above view of the matter, the writ petition stands disposed of with a direction to the respondents to grant an opportunity to the petitioner, and after making available copies of the documents such as narrative report, laying register, measurement book etc. for which the petitioner has made request to the concerned authority, and thereafter to ensure that there are no discrepancies in the proforma-24

with reference to such documents. In case the petitioner’s claim is accepted in whole or in part, the proforma-24 shall be revised accordingly before requiring the petitioner to enter into an agreement.

6. The writ petition stands disposed of with the above observations and directions.

(Vikash Jain, J)

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