

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2776 of 2013

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Mohan Prasad Yadav, Son of Late Ram Narain Rai, Resident of Vill.-
Lodipur, P.O. & P.S.- Hajipur, Dist.- Vaishali.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway at Hajipur District- Vaishali.
2. The Divisional Railway Manager, Sonpur Division, East Central Railway, District- Saran.
3. The Divisional Engineer, Special E.C. Railway, Sonpur Division, District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

3 03-03-2016 Heard Mr. Mukesh Kumar Jha, learned counsel

appearing for the petitioner. There is no representation on behalf

of the Railways.

The petitioner is aggrieved by the deduction of Rs.1,50,500/- from the bill submitted by the petitioner for the work discharged. Mr. Jha, learned counsel for the petitioner with reference to the order present at Annexure-5 has submitted that raising such grievance he came before this Court in CWJC No.17331 of 2012 complaining of the pending bills, earnest money, security money as well as bank guarantee and which writ petition was disposed of vide order passed on 14.9.2012 with a direction to the appropriate authorities of the Railways to consider the grievance and pass appropriate orders and pay the admissible

amounts within three months failing which it would carry interest and in case any part of the amount found not admissible, the same was to be disposed of by a speaking order.

It is the argument of Mr. Jha that the Divisional Railway Manager (Engineering), Sonpur vide order dated 23/27.11.2012 present at Annexure-6, has rejected the claim of refund of an amount of Rs.1,50,500/- deducted from the final bill of the petitioner, on grounds of written acceptance by the petitioner, which is not correct.

A counter affidavit has been filed which apparently has not been served on Mr. Jha but carries a concession by the petitioner to forego the rebate amount of Rs.1,50,500/-. The document carries the signature of the petitioner as well and is enclosed at Annexure-A series. In view of the document on record where the petitioner himself has agreed to forego the amount of rebate he cannot be permitted to espouse the same in the present proceedings. Should the petitioner choose to question his signature on the document in question as to its genuineness then the forum would be elsewhere and not in the writ jurisdiction.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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