

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16498 of 2014

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Bipin Kumar Sharma Son of Late Devendra Sharma Resident of Village
Bariyarpur, P.O. - Taiyabpur, P.S. Desari, District Vaishali, Secretary, Prerna
Janswastha Awam Sarbangin Vikas Sasthan.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani.
3. The Deputy Development Commissioner, Madhubani-cum-Chairman Zila Jal
Awam Swakchhata Samiti, Madhubani.
4. The Executive Engineer, Public Health and Engineering Department, Madhubani
cum Member Secretary, Zila Jal Awam Swakchhata Samiti, Madhubani.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Choudhary
For the Respondent/s : Mr. NADEEM SERAJ, GP20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2016

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 the amount claimed by the petitioner to be
due to him pursuant to tender awarded in favour of the petitioner by way of
Work Order No. 150 dated 02.12.2010 and Work Order No. 62 dated
23.02.2011 under the 'Sampurna Swakchhata Abhiyan' and 'Lohiya
Swakchhata Abhiyan'.

3. It is submitted on behalf of the petitioner that despite being entitled
to the amount as claimed by the petitioner aggregating to Rs. 3,43,200/-, only
partial payment of Rs. 34,960/-has been received against Work Order No. 62

dated 23.02.2011. The claim of the respondents having issued a Cheque for Rs. 1,14,440/- dated 15.09.2014 as stated in the counter affidavit is denied to have been received by the petitioner.

4. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting him liberty to approach the Executive Engineer, Public Health and Engineering Department, Madhubani-cum-Member Secretary, Zila Jal Avam Swakchhata Samiti, Madhubani (Respondent No. 4) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 9% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the petitioner's claim is found inadmissible, whether in whole or in part, the petitioner's representation shall be disposed of by a speaking order in that regard.

5. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

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