

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8457 of 2014

1. MAITRI CHARITABLE TRUST, THROUGH ITS ADMINISTRATOR, MS. ADRIANA FERRANTI, P.O. BODH GAYA, DISTRICT- GAYA, PIN CODE- 824231

.... .... Petitioner/s

Versus

1. THE UNION OF INDIA THROUGH THE SECRETARY, MINISTRY OF HEALTH AND WELFARE, GOVERNMENT OF INDIA, NEW DELHI
2. THE SECRETARY, MINISTRY OF HEALTH AND WELFARE, GOVERNMENT OF INDIA, NEW DELHI
3. THE SPECIAL HEALTH SECRETARY, MISSION DIRECTOR (NRHM) MINISTRY OF HEALTH AND WELFARE, GOVERNMENT OF INDIA, NEW DELHI
4. THE DIRECTOR GENERAL, CENTRAL T.B. DIVISION, MINISTRY OF HEALTH AND WELFARE, GOVERNMENT OF INDIA, NEW DELHI
5. THE STATE OF BIHAR, THROUGH THE PRINCIPAL SECRETARY, HEALTH DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
6. THE PRINCIPAL SECRETARY, HEALTH DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
7. THE STATE T.B. OFFICER CUM- THE DEPUTY DIRECTOR, HEALTH SERVICES (TUBERCULOSIS)-CUM-STATE PROGRAMME OFFICER, AGAMKUAN, PATNA, BIHAR
8. THE DISTRICT MAGISTRATE CUM CHAIRMAN DISTT. HEALTH SOCIETY, GAYA
9. THE ADDITIONAL CHIEF MEDICAL OFFICER CUM DISTRICT TURBERCULOSIS OFFICER, DISTRICT HEALTH SOCIETY, GAYA
10. THE CIVIL SURGEON-CUM-CHIEF MEDICAL OFFICER CUM SECRETARY, RNTCP, GAYA
11. THE DISTRICT TUBERCULOSIS OFFICER, GAYA
12. THE MISSION DIRECTOR, NRHM, SHS, GOVERNMENT OF BIHAR, PATNA
13. THE DEPUTY DIRECTOR, REPRODUCTIVE AND CHILD HEALTH, STATE HEALTH SOCIETY, PARIWAR KALYAN BHAVAN, SHEIKHPURA, PATNA
14. THE IN-CHARGE, T.B. UNIT, STATE HEALTH SOCIETY, FAMILY WELFARE BHAVAN, SHEIKHPURA, PATNA

.... .... Respondent/s

**Appearance :**

For the Petitioner/s : Mr. Chittaranjan Sinha, Sr. Adv.  
Mr. Rishi Raj Sinha, Adv.  
Ms. Archana Prasad, Adv.  
Miss Surya, Adv.  
For the Respondent/s : Mr. Manoj Kumar Ambastha, GP-XIV.  
Mr. Manoj Kr. Ambastha, Adv.

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 05-02-2016**

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 it, pursuant to the letter of agreement as well as the memorandum of understanding both dated 06.05.2006 (Annexures- 4 and 5) between the parties as subsequently renewed on 21.05.2008 (Annexures- 14 and 15).

3. It is submitted on behalf of the petitioner that despite being entitled to a total amount of Rs. 43,81,116/- as claimed by the petitioner, only partial payment to the extent of Rs. 11,29,493/- has been made, leaving a considerable amount outstanding to be paid.

4. In the above view of the matter, this writ petition is disposed of with consent of the petitioner, granting it liberty to approach the Deputy Director, Reproductive & Child Health, State Health Society, Pariwar Kalyan Bhavan, Sheikhpura, Patna (Respondent No. 13) with a fresh representation for redressal of its grievances. If any such representation is filed within a period of three 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 eight 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)**

Md. Ibrarul/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|