

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21760 of 2014

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Bhojpur Gramin Vikas Parisad, through its Secretary namely Mohd. Aslam, son of Md. Ainul Haque, resident of mohalla-ward no.25, Machua toli, Ara, P.S. Ara Nagar, District-Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt.of Bihar, Patna.
2. The Executive Director, State Health Society, Bihar, Patna.
3. District Magistrate-cum-Chairman District Health Society, Rohatas, District-Sasaram.
4. Civil Surgeon-cum-Chief Medical Officer, Rohtas, District-Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sharda Nand Mishra,
Mr. Dhananjay Kumar Gupta,
Mr. Rajiv Ranjan, Advocates

For the Respondents: SMT. Binita Singh, GP 31

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-02-2016

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 work having been completed in terms of the tender awarded in favour of the petitioner.

3. It is submitted on behalf of the petitioner that despite being entitled to the amount of Rs. 62,484/- for contract work and a sum of Rs. 1,70,000/- as security money, the petitioner appears to have been paid only Rs. 1,40,000/- out of the security deposit as evident from paragraph 6 of the counter affidavit, leaving the

remaining amount still 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 Civil Surgeon-cum-Chief Medical Officer, District Rohtas, Sasaram (Respondent No. 4) with a fresh representation for redressal of its 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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