

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.332 of 2014

IN

Civil Writ Jurisdiction Case No. 2850 of 2014

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Account General (A & E) Bihar, Patna.

.... Petitioner

Versus

1. Madhuwala wife of late Dr. Kaushlendra Kumar, Ex. Addl. Chief Medical Officer, Saran, Chapra, C/o Ranjan Kumar Verma, Advocate, Sewa Ashram Patori, Khonadih, P.O.- Panchgachia, P.S.- Bihra, District- Saharsa.
2. The State of Bihar through the Chief Secretary, Bihar, Patna.
3. Commissioner-cum-Secretary, Health Services New Secretariat, Bihar, Patna.
4. Finance Commissioner, Bihar, Patna.
5. Collector, Chapra, District- Saran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Lala Purushottam Kr Rajgrihar, Adv.

For the Respondents : A.C. to G.A.6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 20-07-2016

Heard counsel for the parties.

2. By virtue of order dated 19.09.2014, passed in CWJC No.2850 of 2014, cost was ordered to be paid both by the State and the Accountant General to the petitioner to the extent of Rs.10,000/- each. The reason for imposing such cost was said to be non-compliance of order dated 05.03.2014, passed earlier in the writ application where a time frame was fixed.

3. The review application has been file on behalf of the Accountant General on the ground that unnecessarily cost has been imposed on the Accountant General when there is no default on their part in implementing the direction in letter and spirit. Since the State

Government especially the Department of Health delayed authorization of payment and the sanction order was received only on 29.08.2014, the delay was on the part of the State. So far as the Accountant General is concerned, all authorizations for payments were made first by the Accountant General, Bihar on 17.09.2014 and then on 18.09.2014 and forwarded to the Accountant General, Jharkhand who were the authorities to make final payments. The Court is satisfied that the delay was on part of the State and they should have been rightly saddled with cost but for the delay of the State, even the Accountant General has suffered.

4. The reason and explanation in the review application being valid and cogent, the Court passes an order modifying the order dated 19.09.2014 to the extent that the cost will only be payable by the State and not the Accountant General.

5. Civil Review is allowed.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
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