

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4193 of 2013

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M/s Mahendra Pd. Singh and Brothers, Village- Dalluchak, P.O. and P.S. Khagaul, Patna Through Rakesh Kumar Sinha, R/O Village- Dalluchak, P.O. and P.S.- Khagaul, District- Patna

.... Petitioner/s

Versus

1. The Union of India, through Chairman, Railway Board, New Delhi
2. The General Manager, East Central Railway, Hazipur, Vaishali, Bihar
3. The Chief Administrative Officer, (North) Construction, East Central Railway, Mahendru Ghat, Patna
4. The Chief Engineer/Con/ (East) North- East, East Central Railway, Mahendru Ghat, Patna
5. The Financial Advisor and Chief Account Officer, East Central Railway, Mahendru Ghat, Patna
6. The Deputy Chief Engineer, (Con)-II, East Central Railway, Hajipur

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate

For the Respondent No. 2 to 6: Mr. Devendra Kumar Sinha, Sr. Advocate.

Ms. Binita Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 25-04-2016 Heard Mr. Krishna Mohan Mishra, learned counsel for the petitioner and Mr. Devendra Kumar Sinha, learned senior counsel for the respondent Railways who appears along with Ms. Binita Singh.

The writ petition was initially filed seeking a direction to the authorities of the respondent East Central Railway not to encash the bank guarantee of the petitioner amounting to Rs. 26,26,400/- against the value of the work done and to allow the petitioner to complete the work allotted to him vide Contract



No. ECR/Con./3/Hajipur/12 dated 24.12.2009. There are other reliefs relating to payment of security and earnest money but these reliefs stand modified by the prayer made by the petitioner in an interlocutory application bearing I.A. No. 2299 of 2016 through which the petitioner informs this Court that whatsoever work that was allotted to him stands concluded and that he has requested the authorities of the East Central Railway for closure of the contract and for payment of admitted dues.

To support the contention of the petitioner, Mr. Mishra has relied upon the notes of a Three Member Committee constituted to consider the request of the petitioner for closure of the contract and for release of balance payment whereby the Chief Engineer (NE), East Central Railway has been requested for administrative approval for closure of the contract as per his representation as well as for final measurement of the work discharged and payment of admissible dues. It is in reference thereto that it is argued by Mr. Mishra that the work has been completed and now it is for the Chief Engineer for taking necessary decision on the request of the petitioner for closure of the contract and for payment of admissible amount.

It is submitted by Mr. Sinha learned senior counsel for the railways that the said document brought on record through

the interlocutory application is simply a note sheet of a Three Member Committee.

Having heard learned counsel for the parties and considering the stage that the dispute has now reached, I deem it fit and proper to accord liberty to the petitioner to raise his claims as it stands today before the appropriate authority who in the present case would be the Chief Engineer, respondent no. 4 and who shall consider the claim of the petitioner and dispose of the same in accordance with law but only after opportunity of hearing to the petitioner and considering that the matter is pending since long, an expeditious disposal preferably within three months from the date of receipt / production of a copy of the order would be appreciated.

The writ petition is disposed of.

(Jyoti Saran, J)

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