

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1043 of 2017

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M/s Om Sri Construction through its Proprietor Vikash Kumar Jha, son of Late Manoj Jha, resident of village - Suro (Ojhatol), P.S. - Bachhwara, District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
2. Principal Secretary, Department of Water Resources, Government of Bihar, Patna.
3. The Principal Secretary, Department of Minor Water Resources, Vikash Bhawan, Bailey Road, Government of Bihar, Patna.
4. Engineer in Chief, Minor Water Resources Department, Bisheshwaraiya Bhawan, Bailey Road, Patna.
5. Chief Engineer, Minor Water Resources Department, Bhagalpur.
6. Superintending Engineer, Minor Irrigation Circle, Munger.
7. The Executive Engineer, Minor Irrigation Division, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Thakur, Adv.
Mr. Avinash Kumar, Adv.

For the Respondent/s : Mr. Vijay Kr. Verma, AC to GA2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 27-02-2017

Heard learned counsel for the petitioner and counsel for the State.

In the present case, the petitioner is making a prayer for payment of Rs.2,95,250/-, the remaining amount, which has not been paid to the petitioner for the work done by him in terms of the work order allocated to him and, in pursuance thereof, an agreement was executed vide Agreement No. F2-7 of 2013-14.

As per petitioner, he has completed the work in terms of the agreement, thereafter, he placed the bill, when the payment of the bill was not made to him, he moved before this Court in CWJC No. 242



of 2015 and this Court, vide order dated 19.1.2015, directed the petitioner to approach the Tribunal as it is a disputed fact, cannot be gone into in the present petition.

Learned counsel for the petitioner submits that in the meantime, the respondent authorities have settled the account and has paid all the amount but, he has not received Rs.2,95,250/-. For that the Executive Engineer has written a letter to the Additional Secretary, Minor Irrigation Department, Government of Bihar making a prayer for allotment of the aforesaid amount but, on account of non-allotment, the petitioner has been deprived of the aforesaid money.

Let the Authority should examine the matter of the petitioner, if it is found that the petitioner is entitled for the aforesaid amount, certainly the payment should be made to him but, in case of dispute, the petitioner will have a liberty to take action before the Tribunal in terms of the order passed by this Court in CWJC No. 242 of 2015.

With the aforementioned observation, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2017
Transmission Date	

