

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2752 of 2017

IN

Civil Writ Jurisdiction Case No. 20930 of 2012

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Amit Kumar Singh, Son of Late Lalan Prasad Singh, resident of village-
Dayalpur, P.O.- Jhadapur, P.S.- Bihpur, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhagalpur.
3. The Superintending Engineer, Rural Works Department, Work Division, Bhagalpur.
4. The Executive Engineer, Rural Work Department, Sectional, Work Division, Bhagalpur.
5. The S.D.O. Rural Work Department, Work Division, Bhagalpur.
6. M/s Nalanda Intra Project Pvt Ltd. having its Registered office at Vivek Millenium Kankarbagh Main Road, Patna through its Director Rajesh Kumar Singh.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Rajendra Kumar Jain, Advocate.

For the Opposite Parties : Mr. Pushkar Narayan Shahi (AAG-6)

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 11-10-2017

The present petition has been filed for modification of the
order dated 04.10.2016 passed in C.W.J.C. No. 20930 of 2012.

2. Learned counsel for the petitioner submits that liberty
was granted to the petitioner to approach the Executive Engineer,
Rural Work Department, Section-1, Work Division, Bhagalpur
(respondent no. 4) with a fresh representation to be filed within a
period of two weeks from the date of order namely 04.10.2016, for
redressal of his grievances. It is submitted that owing to illness he was



unable to comply with the order and file the representation within the stipulated time. Medical certificate has been enclosed in support of the aforesaid submission.

3. A perusal of the said medical certificate dated 30.10.2016 however discloses that the petitioner was under medical treatment from 30.09.2016 to 30.10.2016 whereas the present petition has been filed after an inordinate delay thereafter of more than ten months for which no reasons have been assigned.

4. In such a situation, this Court is of the view that the ends of justice will be met if the order dated 04.10.2016 passed in C.W.J.C. No. 20930 of 2012 is modified by extending the period granted to the petitioner for filing the representation which may be filed within a period of two weeks from today. However, having regard to the delay on the part of the petitioner in approaching this Court for modification, the said order dated 04.10.2016 is further modified by deleting the provision for payment of interest to the petitioner in case of delayed payment of the admitted dues. In other words, the sentence *"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"* shall be treated as omitted from the said order.

5. The modification petition stands disposed of.



Md. Ibrarul/BT

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.10.2017
Transmission Date	N.A.

