

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16053 of 2016

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Birendra Kumar, son of Sri Bhagwat Prasad Singh, resident of Village-Barsa, P.S.- Ariari (O.P. Kashar), District- Sheikhpura, Registered Class-II Contractor, Bearing Registration No. 658/2015.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Govt. of Bihar.
3. The Engineer-in-Chief, Road Construction Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, Rural Work Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Rural Development Department, Work Division, Bhagalpur.
6. The Superintending Engineer, Rural Development Department, Work Division, Sheikhpura.
7. The Executive Engineer, Rural Work Department, Work Division, Sheikhpura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Advocate
For the Respondent/s : Mr. Chitranjan Sinha, PAAG-2 with
Mr. Shailendra Kumar, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 15-03-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case the grievance of the petitioner is that though he has completed the work but his name is standing in the debarment list.

The petitioner is a registered contractor under Bihar Rajya Pool Nirman Nigam and was assigned the work of construction of bridge at road from TO1 to Bankarpur Bank,



Package No. BR-31R-076. As per the case of the petitioner, he could not complete the work in time because a dispute was raised with respect to the land by the villagers and for that the delay has been caused in completion of the work. The petitioner has raised a grievance that even after the representation made by him the authorities have not taken suitable steps for resolving the dispute and on that count he has suffered a lot, inasmuch as on the recommendation of the District Executive Engineer he has been put to debarred list but later on the same Executive Engineer has found his recommendation uploading the name of the petitioner and recommendation for debarring him was wrong which has been taken into consideration by the Superintending Engineer and has issued show cause to the Executive Engineer.

In the counter affidavit it has been stated that petitioner has given an undertaking for completion of the work by 25.1.2017 but it has been found that the same has not been completed.

Today a supplementary affidavit has been filed by the petitioner stating specifically in paragraph-9 that he has completed the work.

In such a situation, the Superintending Engineer is directed to make verification of the completion of the work by the petitioner. However, if it is found that the work has been



completed then he will be obliged to delete the name of the petitioner from the debarment list within a period of three weeks from the date of receipt/production of a copy of this order and if any amount is found to be payable to the petitioner the Department will be obliged to pay the admitted dues to him within a period of two months thereafter.

With the above observations and directions, this application is disposed of.

(Shivaji Pandey, J)

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