

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15086 of 2016

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M/s Bindeshwari Prasad through its Managing Partner, Mr. Bindeshwari Prasad,
son of Lt. Ramphal Prasad, R/O Pirauna, Post- Hasanpur Sugar Mill, P.S.
Hasanpur, District Samastipur

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Work Department, Government of Bihar, Bishwashraiya Bhawan, Bailey Road, Patna
2. The Kamlesh Singh, O.S.D. RWD, Patna.
3. The Engineer-in-Chief, Rural Work Department, Government of Bihar, Bishwashraiya Bhawan, Bailey Road, Patna
4. The Chief Engineer (North) Rural Work Department, Government of Bihar, Bishwashraiya Bhawan, Bailey Road, Patna
5. The Superintendent Engineer, RWD, Work Circle, Samastipur
6. The Executive Engineer, Rural Work Department, Work Division Rosra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. A. Karim, AC - GP10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-03-2017

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

Learned counsel for the petitioner is permitted to delete
the name of Kamlesh Singh respondent no.2 from the cause
title.

In the present writ petition, petitioner is challenging the
letter no. 1077 dated 10.6.2016 issued by Officer on Special
Duty, Rural Works Department, Rosera and letter no. 1078
dated 23.7.2016 issued by the Executive Engineer, Rural Work
Department, Work Division, Rosra by which respondent
authority has issued notice of recovery of Rs.14,94,060.00 as it
was found that petitioner has only worked 30%.



The Government has issued a tender for repairing of road from Rosera Railway Gumti to Batha High School 3.4. Km value of work was Rs.88,72,000/-. The petitioner was lowest tenderer, he was issued work order, petitioner entered into an agreement. Petitioner completed the work and he was given bill of Rs.29,89,119/-. When spot verification was made it was found that petitioner has only completed 30% work and has not executed the work as per specification. The work of the petitioner was inspected by three men committee comprising two Assistant Engineers and one Executive Engineer on 8.10.2013 found work was in complete, show cause notice dated 8.7.2016 was issued by the Executive Engineer asking to file show cause within three days, in failure, action would be taken. On receipt of the report Officer on Special Duty vide letter dated 10.6.2016 directed the Executive Engineer to recover 50% of the amount and vide order dated 23.7.2016 Executive Engineer, Rural Works Department directed to recover an amount of Rs. 14,94,060.00 from the petitioner.

From the record it appears that the petitioner was served show cause notice and on receipt of the same he has filed his explanation where he has taken a plea that he was busy in treatment of his wife as she was suffering from blood cancer. Show cause filed by the petitioner itself reflects that petitioner did not complete the work as per specification.



This dispute cannot be gone into in the present writ proceeding. In such view of the matter, petitioner is directed to file a detailed representation before the Principal Secretary, Rural Work Department, Government of Bihar, Patna. If such an application is filed by the petitioner with supporting documents, the Principal Secretary after giving proper hearing to the petitioner would take decision in accordance with law by a speaking order within a period of three weeks from the date of filing of the representation.

Till the decision is taken by the Principal Secretary the letter dated 23.7.2016 is kept in abeyance.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.3.2017
Transmission Date	NA

