

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9994 of 2015

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Rajesh Kumar, son of Late Dulari Singh, Resident of Rajendra Nagar, Road No.13
C, P.S.- Bahadurpur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Rural Works Department, Government of Bihar.
2. The Superintending Engineer, Rural Works Department, Circle Patna.
3. The Executive Engineer, Rural Works Department, Work Division, Biharsharif, Nalanda.

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Suryakant Kumar, adv.

For the Respondent/s : Mr. Vivek Prasad- G.P.-18

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel appearing for the parties.

2. In this case, the petitioner is claiming that he should be granted extra amount of Rs.8,52,049/- as he has constructed the extra road of 285 meters.

3. The short facts of this case, which is appearing from the averments of the writ application, are that the petitioner is a registered contractor was allotted the work for construction of the road from Chero Nagarnausa Path to Sirsi village under Pradhan Mantra Gramin Sadak Yojana in terms of letter No. 41 dated 20.03.2010 issued under the signature of the Superintending



Engineer, Rural Works Department, Work Circle, Patna, which is apparently clear from the letter No.671 dated 01.04.2010. It has been stated that there was a deviation in the construction of the road on account of change in alignment of road from the original map mentioned in the Work Order and on that account, the petitioner had to construct extra road of 285 meters worth Rs. 8,52,049/-.

4. It has further been stated that the deviation in the alignment has been done at the instance of the Executive Engineer and his subordinates, at their behest the petitioner constructed the extra road, but he has not been paid the extra amount for the extra work done by him.

5. Learned counsel for the petitioner submits that there is no dispute that he has constructed the road and it is more than what was original plan, which is apparently clear from the Measurement Book.

6. In such view of the matter, let the Chief Engineer, Rural Works Department, Work Circle, Patna, examine the claim of the petitioner.

7. For convenience, the petitioner is directed to file a proper representation before the Chief Engineer, Rural Works



Department, Work Circle, Patna, who will consider the representation of the petitioner and take appropriate decision in accordance with law. If it is found that the petitioner has actually constructed the extra road of 285 meter and is entitled to extra amount, then the same will be paid to him without unnecessary delay. The entire exercise will be completed by the Chief Engineer, Rural Works Department, within a period of three months from the date of filing of representation by the petitioner.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	16.02.2017
Transmission Date	N/A

