

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17499 of 2008

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Md.Jamaluddin, son of Md. Habib, resident of village-Tola Mirjagaon, Sultanganj,
P.S. Sultanganj, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through Engineer-in-Chief-cum-Commissioner and Secretary, Department of Road Construction, Bihar, Patna.
2. The Chief Engineer, Department of Road Construction, Circle Office, Patna, Bihar.
3. The Superintending Engineer, East Bihar Circle, Department of Road Construction, Bhagalpur.
4. The Superintending Engineer, National High Way, Zero mile, Bhagalpur.
5. The Executive Engineer, Department of Road Construction, Parmandal Bhagalpur.
6. The Executive Engineer, Department of Road Construction, Paschim Path Parmandal, Bhagalpur.
7. The Executive Engineer, Rashtray Uchch Path Parmandal No.2, Zero mile Bhagalpur.
8. 8. The Awar Parmandal Padadhikari, Department of Road Construction Awar Parmandal, Bhagalpur.
9. The Awar Parmandal Padadhakari, Department of Road Construction, Awar Parmandal Sultanjganj, Bhagalpur.
10. The Awar Parmandal Padhadhikari, National High Way Section, Sultanganj, Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arjun Prasad Keshari, Adv.

For the State : Mr. Dr. Mankeshwar Tiwari, A.C. to A.A.G.-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-11-2017

Heard learned counsel for the petitioner and learned



counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner was appointed as road roller driver on daily wages basis, was posted in the National Highway Division of Sultanganj, Bhagalpur. It has been submitted that all through the petitioner has worked, but payment has not been made from February, 1999 till the date of filing of the writ application.

3. Counter affidavit has been filed by the State, wherein the continuation of the petitioner as road roller driver has been denied and it has been stated that whatever the amount which the petitioner was entitled has been paid to him, which the learned counsel for the petitioner has contradicted by filing reply to the counter affidavit, attaching the letter dated 07.11.2001 of Junior Engineer, from where it appears that the petitioner was made In-charge of the road roller.

4. These are the disputed questions, cannot be looked into in the present proceeding. Let the petitioner file a detailed representation before the Chief Engineer, Department of Road Construction, Circle Office, Patna, Bihar, attaching the order of this order and supporting material to proof his case. If such a



representation is filed, the Chief Engineer, Department of Road Construction shall consider the case of the petitioner and pass order for payment of admitted dues. If the Chief Engineer, Department of Road Construction will not be agreeable to the claim of the petitioner, in such circumstance, he will pass reasoned order in accordance with law after giving notice and hearing the present petitioner.

5. 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	21.11.2017
Transmission Date	N/A

