

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.168 of 2014

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Ramesh Chandra Chaudhary Son of Late Deo Charan Choudhary Resident
of Punaichak, Police Station- Lal Bahadur Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Building Construction Department, "Vishweshwarraiya Bhawan" Bailey Road, Patna.
2. The Executive Engineer, Building Construction Department Central Division, Near High Court, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER**

6 27-04-2017 Heard learned counsel for the petitioner as well as

learned counsel appearing for the State.

2. This Civil Revision Petition is directed against the
award/ judgment dated 14.12.2012 passed in Reference Case
No.122 of 2010 by the Chairman, Bihar Public Works Contracts
Disputes Arbitration Tribunal, Patna by which the aforesaid
Reference Case No. 122 of 2010 was dismissed being barred by
limitation.

3. Admittedly, the aforesaid Reference Case No.122 of
2010 was made after 15 years but contention on behalf of the
petitioner is that prior to making of the aforesaid Reference Case
No. 122 of 2010, several representations were made by the
petitioner to the competent authority but no heed was paid towards
the representations filed by the petitioner by the competent



authority and, moreover, the Tribunal was constituted in the year 2008 and that was the reason, the aforesaid reference case could not be made in time. He further submits that the learned Tribunal dismissed the claim of the petitioner on the ground of limitation only taking note of the fact that one Lalan Kumar Choudhary, who was earlier employed in the Building Construction Department, received the representations and when the aforesaid Lalan Kumar Choudhary deposed before the tribunal, he stated that all the representations were got received by the petitioner to him under coercion and threat in the year 2008.

4. It is an admitted position that the petitioner raised his claim through Reference Case No.122 of 2010 after 15 years and even if it is assumed that prior to making of the aforesaid reference case, petitioner had filed representations to the concerned department, then also, it has already been held by the Apex Court in several decisions that filing of representations is only a reminder to the concerned department and the reminder does not extend the period of limitation. Therefore, in my view, the learned Tribunal rightly dismissed the claim of the petitioner treating the same as time barred.

5. Accordingly, this Civil Revision Petition stands dismissed on Admission Stage itself.

(Hemant Kumar Srivastava, J)

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