

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12712 of 2015

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Satyendra Singh Son of Late Indrajeet Singh, resident of village and P.O. Rajopatti P.S. and District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. Bihar State Pool Construction Corporation Ltd. Patna through its Managing Director, Bihar State Pool Construction Corporation Ltd., Patna.
3. The Chairman, Bihar State Pool Construction Corporation Ltd., Patna.
4. The Deputy Chief Engineer, South Bihar Anchal, Bihar State Pool Construction Ltd, Patna.
5. Senior Planning Engineer, Work Division, Sitamarhi, Bihar State Pool Construction Corporation Ltd.
6. District Magistrate, Sitamarhi.
7. The Circle Officer, Riga District - Sitamarhi.
8. The Circle Amin, Riga District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	M/s Surendra Kumar and Amrendra Kumar Srivastawa, Advs.
For the Pool Nigam	:	Mr. Lalit Kishore, Sr. Adv. Dr. Anand Kumar
For the State		Mr. Kinkar Kumar, SC-9 Mr. Rakesh Kr. Sharma, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 17-04-2017 Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner has made an alternative claim in the writ application, first he has claimed work order should be issued in his favour but instead of granting the work order to him, the work has been allotted to a third person in view of the fact that the petitioner has done the base work, such as, soil



test, side survey, preparation of map and architectural drawing.

From statement of the writ application it appears that the petitioner has invoked escalation clause of the construction and on that account, he was released from the work, and the same was allotted to a third person, now the claim of the petitioner is confined to release of the amount of work done by him.

As the letter dated 21.06.2013 (Annexure-A series) shows that the petitioner has not submitted the bill, on that account, he has not been paid the amount, but in Annexure-24 attached with the rejoinder affidavit, the petitioner has submitted the bill.

The counsel for the State submits that in pursuance of the submission of the bill, certain payment of Rs. 1,65,480/- has been paid through Cheque no. 804280 dated 10.04.2017.

The Senior Project Manager, Sitamarhi, Bihar Rajya Pool Nirman Ltd., Division Sitamarhi is directed to examine the claim of the petitioner which he has quoted in letter dated 18.03.2017 and make payment in accordance with law after the adjustment of the amount of Rs. 1,65,480/-. The Senior Project Manager will be obliged to dispose of the matter within a period of three months from the date of receipt/production of a copy of this order.



Accordingly, this petition is disposed of

(Shivaji Pandey, J)

Mahesh/-

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