

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18750 of 2016

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Ajay Shankar Singh S/o Late Ramashish Singh Resident of Village- Hasanpur,
P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building Construction, Bihar, Patna.
2. The District Magistrate, Lakhisarai.
3. The Superintending Engineer, Building Construction Department, Munger Circle, Munger.
4. The Executive Engineer, Building Construction Department, Lakhisarai.
5. The Assistant Engineer, Building Construction Department, Lakhisarai.
6. The Junior Engineer, Building Construction Department, Lakhisarai.
7. The Civil Surgeon cum Secretary, District Health Committee, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Nath, Adv.

For the Respondent/s : Mr. Rathore Vasundhara, AC to SC-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-02-2017

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

In this case the petitioner is claiming an amount of Rs. 13,29,000/- with statutory interest from the respondents.

The short fact of this case is that the Civil Surgeon cum Secretary, District Health Committee, Lakhisarai, respondent no.7, requested the Executive Engineer, Building Construction Department, Lakhisarai, vide Memo No. 679 dated 23.8.2011, for special renovation of sub-divisional Hospital, Lakhisarai for the purpose of



running rehabilitation centre & district health society office. In pursuance thereof, the Executive Engineer, Building Construction Department, vide letter no. 10224 dated 10.11.2011, requested the District Magistrate, Lakhisarai for getting the special renovation of sub-divisional Hospital, Lakhisarai on priority basis and, for renovation, the Executive Engineer has written a letter no. 10473 dated 16.11.2011 for release of fund for the aforesaid purpose. The District Magistrate, Lakhisarai also, vide letter no. 39 dated 18.02.2012, requested for release of fund of Rs. 13,00,000/- for the purpose of repairing and construction of the sub-divisional Hospital, Lakhisarai. The Civil Surgeon, vide letter dated 1417 dated 6.11.2012, informed the Joint Secretary, Health Department that the old building of the hospital has been repaired and the rehabilitation centre and the district health society office is running with the new constructed premises. The Executive Engineer wrote a letter to the Principal Secretary to release the fund so that the payment could be made to the Contractor.

Learned counsel for the petitioner submits that he has completed the allotted work.

The Principal Secretary, Department of Building Construction, Bihar, Patna will examine the work done by the petitioner and if it is found that the petitioner is entitled to the said



amount, it goes without saying that the payment should be made to the petitioner for the work he has done.

For convenience, the petitioner is directed to file an application before the Principal Secretary, Department of Building Construction, Bihar, Patna who will examine the case of the petitioner and take a decision after giving proper notice to the petitioner within a period of three months from the date of filing of the application along with a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.03.2017
Transmission Date	

