

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7289 of 2016

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Rural Organisation For Social Establishment (ROSE) having its Head Office at Gaja Chak Mohammadpur Janihar, P.O.-Soramhar, Phulwari Sharif-801505, through its Member-Representa- tive, R, Pandey @ Ravi Shankar Pandey Resident of Naga Path, Pali Road, Dehri-on-sone, Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. The Department of Health, Bihar through its Principal Secretary
3. The principal Secretary, the Department of Health, Bihar
4. The District Magistrate, Sasaram, Rohtas
5. The Civil Surgeon, Sasaram, Rohtas
6. The Deputy Superintendent-cum-Secretary, Rogi Kalyan Samiti, Sadar Hospital, Sasaram, Rohtas

.... Respondents

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Appearance:

For the Petitioner : Mr. Alok, Adv.
For the Respondent/s : Mr. Kameshwar Kumar, G.P.-17
Mr. S.K. Ranjan, A.C. to G.P.-17

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 17-02-2017

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

2. The petitioner was allotted the work by the Rural Organization for Social Establishment (ROSE), Phulwarisharif, Patna for supplying of electricity through generator to the Office of the Civil Surgeon, Sasaram and other Public Health Centres.



Accordingly, the petitioner has supplied the electricity to the satisfaction of the authority through the generator. The petitioner has provided the electricity power for 19 month and 27 days uninterruptedly. The petitioner submitted the bill of Rs.29,83,029/- and after deducting the advance amount of Rs.9,76,197/-, the petitioner is claiming to be entitled for Rs.20,06,832/-.

3. In the counter affidavit, the work performed by the petitioner has not been disputed by the respondents, rather the dispute has been raised that he first return the advance amount and only then the total amount will be paid. It is a peculiar stand taken by the state authorities, which is not sustainable. If the respondents are not disputing the work performed by the petitioner, then the respondent authorities are obliged to adjust the advance amount and pay the rest amount without delay. When a person executed the work, then he expected that he will get a return for his performance. He should not receive the punishment in place of award.

4. In such view of the matter, let the Civil Surgeon, Sasaram, Rohtas and the Deputy Superintendent-cum-Secretary, Rogi Kalyan Samiti, Sadar Hospital, Sasaram, Rohtas-respondent Nos. 5 and 6, release the admitted amount to the petitioner within



three months from the date of receipt/production of a copy of this order. In failure to release the admitted amount within three months from today, the amount would carry interest at the rate of 15% per annum.

5. With the aforesaid observations and direction, this writ application is allowed.

(Shivaji Pandey, J)

pawan/-

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

