

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.107 of 2015

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Kameshwar Prasad Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar

For the Respondent/s : Mr. Kundan Bhadur Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

6 28-07-2017

Heard learned counsel for the petitioner as well as
learned counsel appearing for the opposite parties.

Petitioner has prayed for setting aside the order dated
11.04.2014 passed by the learned Chairman, Bihar Public Works
Contracts Disputes Arbitration Tribunal in Reference Case No. 14
of 2011 by which reference of the petitioner was dismissed by the
Tribunal on the ground of limitation treating the claim of the
petitioner being highly time barred.

Submission on behalf of the petitioner is that the
petitioner approached the concerned department several times and
also prayed for payment of his dues but whenever petitioner made
demand, he was informed by the concerned officials that his claim
was pending and thereafter petitioner sought information under
the Right to Information Act, 2005 and after that the concerned



department gave information that the claim of petitioner is still pending for settlement before the liability committee but the Tribunal failed to consider the aforesaid fact and summarily rejected his claim on the ground of delay in making reference.

The information sought by the petitioner under RTI Act has been brought on record by the petitioner by filing supplementary affidavit and the aforesaid information had also been brought before the Tribunal but the Tribunal failed to take into account that the claim of the petitioner was still pending before the liability committee.

In my considered opinion, the Tribunal committed error in rejecting the claim of petition treating the same as time barred.

Considering the aforesaid circumstances, this revision petition is allowed and impugned award dated 11.04.2014 passed by the Tribunal in Reference Case no. 14 of 2011 is hereby, set aside and the matter is remitted back to the Tribunal with a direction to consider the matter afresh and pass appropriate order in accordance with law.

(Hemant Kumar Srivastava, J)

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