

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18746 of 2016

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1. Manoj Kumar Singh Son of Sri Ram Sanehi Singh Resident of Village- Ekawna,
P.S.- Barahara, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary Building Construction Department Government of Bihar,
Bisheshwaraiya Bhawan, Beli Road, Patna.
3. The Chief Engineer Building Construction Department, Government of Bihar,
Bisheshwaraiya Bhawan, Beli Road, Patna.
4. The Chief Engineer (South) Building Construction Department, Government of
Bihar, Bisheshwaraiya Bhawan, Beli Road, Patna.
5. The Superintending Engineer, Building Construction Department, Building
Circle, Ara.
6. The Executive Engineer, Building Division, Ara.
7. The Civil Surgeon, Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra

For the State : Mr. Rajeev Shekhar, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 31-10-2017

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

In the present case, petitioner is claiming payment of
Rs.8,67,977 as he is entitled of the said amount.

Respondent has issued an advertisement for construction of
PHC building at Manichhapara under Barahar block, Ara during
the year 2010-11. The petitioner dropped the tender and was
declared successful bidder, entered into an agreement vide
Agreement No.85-F-2/10-11 dated 16.12.2010. As per petitioner,



he has completed the work but he has not been paid the amount of Rs.8,67,977/-. He has placed his claim before the authority concerned. The claim is based upon the entries made. Annexure-2 of the writ petition is photocopy of the measurement book.

The Executive Engineer in the counter affidavit has accepted the claim of the petitioner and stated that he is entitled for the said amount.

A counter affidavit has been filed today by the District Planning Coordinator District Health Societies, Ara where construction of PHC having not been denied and stated that last installment has not been made and for that a committee was constituted by the District Magistrate who will submit the report and payment will be made accordingly.

Having considered the rival contentions of the parties as it appears that the said committee was constituted on 26.5.2012 and till today no report has been submitted even after lapse of five years. In paragraph 10 of the counter affidavit a vague statement has been made that all steps for redressal of the grievance of the petitioner have been taken into consideration and after submission of the report the payment will be made. If the committee has failed to submit the report within five years where is surety that they will submit the report in near future.



In such view of the matter, this Court directs that Committee will submit the report within a period of two months from the date of receipt/production of a copy of this order. In failure to submit the report this Court further directs the District Health Societies to pay the amount of Rs. 8,67,977/- along with 12% compound interest.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	7.11.2017
Transmission Date	NA

