

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13262 of 2016

- =====
1. M/s Vikash Engineering Company, registered office at 124/B, Road No.2, Rajendra Nagar, Patna-800016 through its Managing Partner.
 2. Sanjay Kumar, Managing Partner, M/S Vikash Engineering Company, son of Late Rajmani Sinha resident of 124/B, Road No.2, Rajendra Nagar, Patna-800016.

.... Petitioners

Versus

1. East Central Railway Through Its Divisional Rail Manager, East Central Railway, Danapur Division, P.O.- Khagaul, District- Patna.
2. Financial Advisor and Chief Administrative Officer, East Central Railway, Chamber Bhawan, J.C. Road, Patna.
3. Deputy Chief Sig. & Tele. Engineer, Construction, East Central Railways, Danapur, P.O.- Khagaul, District- Patna. null
4. Senior Divisional Engineer (Co-ord), East Central Railways, Danapur, P.O.- Khagaul, District- Patna.
5. Senior Divisional Engineer 1, East Central Railways, Danapur, P.O.- Khagaul, District- Patna.
6. Assistant Divisional Engineer (Lane), East Central Railways, Patna Junction, Patna.
7. Senior Section Engineer (PWAY), East Central Railways, Patna Junction, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Tiwary, Adv.
Mr. Ashok Kumar Choudhary, Adv.
For the Respondents : Mr. Dr. Anshuman, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-08-2017

Heard learned counsel for the parties.



2. The petitioner was allotted the work, which he has successfully completed in terms of the work orders, but the payment could not be made as his account was recorded in the pink book. There is no denial by the Railway that the petitioner was not entitled to the payment for the work done by him.

3. Time to time, the case was adjourned, but ultimately, the entire payment has been made. Now limited grievance has been raised by the petitioner, illegally from running bill, the Railway has deducted Rs.1,44,000/- on the ground that while carrying out the work the petitioner had not kept the Junior Engineer along with him.

4. Learned counsel for the petitioner denies empathetically and submits that all through the Engineer was along with him, so the question of carrying out the work without Junior Engineer is completely a wrong fact. He further submits that even the payment has been made to the Engineer by making deduction at source by the Railway Administration itself.

5. Let the petitioner file a proper representation before the D.R.M., East Central Railway, Danapur. If such a representation is filed, the D.R.M. will examine the claim of the



petitioner and if he arrives to a finding in favour of the petitioner, in such circumstance, he will release the amount which the petitioner is entitled to. The entire exercise should be completed by the D.R.M. within four months from the date of filing of representation by the petitioner.

6. Further claim has been made by the petitioner that he had carried out the work successfully, but the payment has been remained due for a long period, so he is entitled to the interest. Let this issue also be looked into by the D.R.M. and decide the same within the aforesaid period.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	25.08.2017
Transmission Date	N/A.

