

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7140 of 2017

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Ritesh Kumar @ Ritesh Kumar Singh, Son of Late Rajesh Prasad Singh, Resident of Purani Bazar, Near Raj Talkies, Lakhisarai, Police Station- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer in Chief, Rural Works Department, Bihar Rural Road Development Authority, Government of Bihar, Patna.
4. The Engineer in Chief-cum-Additional Secretary-cum-Special Secretary, Rural Works Department, Government of Bihar, Patna.
5. The Chief Engineer-I, Rural Works Department, Bihar, Patna.
6. The Chief Engineer-II, Rural Works Department, Bihar, Patna.
7. The Superintending Engineer, Rural Works Department, Works Division, Munger.
8. The Executive Engineer, Rural Works Department, Works Division, Sheikhpura.
9. The Assistant Engineer, Rural Works Department, Works Division, Sheikhpura.
10. Junior Engineer, Engineer, Rural Works Department, Works Division, Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Dr. Amrendra Kumar, Adv.
Mr. Ravi S. Pankaj, Adv.

For the Respondent/s : Mr. Anwar Karim, AC to GP10

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-11-2017

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

In this case, the petitioner is claiming payment of admitted dues for the work done by him as has been claimed that he has constructed the road which runs from TO2 Punadih to Dudham Korasi under the Pradhan Mantri Gramin Sadak Yojana and after



completion of all the official formalities, the petitioner entered into an agreement vide Agreement No. 08(PMGSY)/2010-11 for the work value of Rs. 1,30,33,755/-. When he started the work, he received threat from the extremist organization for payment of 10% of the agreement amount. In spite of the threat, he started the construction but, time to time, he faced the hit of extremist organization and, after completion of certain work, the petitioner as well as the Engineer has raised their hand and shown inability to complete the work because of threat hurled by the extremist organization which can be corroborated and verified from the letters of different Engineers of different hierarchy.

A meeting was held under the Chairmanship of Hon'ble Minister of Rural Works Department and on the basis of the findings of the Committee, the Executive Engineer vide letter no. 1762 dated 13.12.2014 has recommended for closure of the work and the same was forwarded and recommended for closure of the work vide letter no. 2660 dated 13.4.2015.

Learned counsel for the petitioner submits that in a situation of such nature, it is very difficult to carry out or complete the work which was allotted to the petitioner, they have caused heavy loss by adopting the mischievous act and only the petitioner's claim is that he should be given payment of the amount of whatever amount of



work he has completed. It also appears that the joint team had also inspected the work and found the work satisfactory which reflects from the Joint Inspection Team Report dated 25.12.2015. In that view of the matter, a payer has been made to make payment of the amount of work completed by the petitioner.

Accordingly, the petitioner is directed to file a detailed representation to the Principal Secretary, Road Construction Department who will examine and consider the claim of petitioner in the light of the fact that the Hon’ble Minister has held a meeting and the finding has been arrived that it was not possible to carry out the work and recommended for closure of the same and whatever amount the petitioner is entitled must be paid if the work has been done as per specification. The Principal Secretary is directed to complete the entire process within a period of three months from the date of filing of the representation 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	08.11.2017
Transmission Date	NA

