

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12236 of 2018

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Sushil Prasad, son of Sri Butan Prasad, resident of TTS Dipti Nagar, NTPC, Kahalgaon, District- Bhagalpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer-in-Chief-cum-Additional Commissioner-cum- Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, National Highway Wing, Road Construction Department, Bihar.
4. The Superintending Engineer, National Highway Circle, Bhagalpur, District- Bhagalpur, Bihar.
5. The Executive Engineer, National Highway Division, Bhagalpur, District Bhagalpur, Bihar.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhat Ranjan
Mr. Chandan Kumar, Advocates.
For the Respondents : Mr. Sushil Kumar, GP-22

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

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

2. The present writ petition has been taken up out of turn
on the request of learned counsel for the petitioner for disposal of the
same with a direction to the respondents to pay the contractual dues of
the petitioner.

3. Learned counsel for the petitioner submits that despite
having completed the work for construction of roads under six F-2



agreements at Kahalgaon and Vikramshila in the year 2016, the petitioner is entitled to payment of Rs. 69,12,176/- which however remains outstanding despite recommendation of the Engineer-in- Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Patna (respondent no. 2) as contained in letter dated 06.04.2018 (Annexure-4).

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievances of the petitioner and with consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Principal Secretary, Road Construction Department, Government of Bihar, Patna (Respondent No. 1) and for which a representation dated 04.06.2018 has already been filed before him for redressal of his grievances. If such representation is filed, the same shall be considered and disposed of, ensuring payment to the extent found due to the petitioner, within a period of six weeks from the date of receiving the petitioner's representation. Any delay in payment of the admitted amount beyond the stipulated period as stated above, shall entitle the petitioner to receive payment together with simple interest at the rate of 6% per annum on the admitted dues calculated from the date when the amount became due till the date of its actual payment. In case the



petitioner’s claim is found inadmissible, whether in whole or in part, the petitioner’s representation shall be disposed of by a speaking order in that regard.

6. It is made clear that this Court is not expressing any opinion on the merits of the claim of the petitioner.

(Vikash Jain, J)

Md. Ibrarul/BT

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

