

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4337 of 2018

=====

Dharamvir Kumar @ Dharamveer Kumar, S/o Sri Amrendra Prasad Singh,
Resident of Village- Badi Pokhar, Pokhariya, P.S.- Town, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
2. The Joint Secretary, Building Construction Department, Bihar, Patna.
3. The Chief Engineer, Building Division, Darbhanga.
4. The Superintending Engineer, Building Circle, Darbhanga.
5. The Executive Engineer, Building Division, Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Pd. Advocate
Mr. Raju Kumar Goswami, Advocate
Mr. Pawan Kumar Singh, Advocate
Mr. Kunal Gaurav, Advocate

For the Respondent/s : Mr. U.S.S SINGH- GP19
Mr. U.B.Singh, AC to GP 19

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-03-2018

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 admitted dues
of the petitioner and the petitioner sought the following reliefs _

(i) To issue an appropriate order/s direction including a
writ preferably in the nature of mandamus commanding and directing
upon the respondents to make payment of admitted dues of the



petitioner along with cost in the sum of 15% of the dues found admissible to the petitioner as directed by the Hon'ble Court in CWJC No. 5259 of 2013 disposed of on 22.08.2013.

(ii) To direct the respondents to make the payment of aforementioned dues to the petitioner with penal interest on account of delay and laches on their part.

(iii) To grant any other relief/reliefs for which the petitioner is entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that despite having completed the contract work and submission of final bill (Annecure-1) an amount of Rs. 1,55,593/- remains outstanding for payment.

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 the consent of the parties this writ petition is disposed of, granting liberty to the petitioner to approach the Executive Engineer, Building Division, Samastipur (Respondent No. 5) with a fresh representation for redressal of his grievances. If any such representation is filed within a period of two weeks from today, 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2018
Transmission Date	NA

