

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2557 of 2018

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Pankaj Singh, S/o Gaya Singh, Resident of Village- Sirkohiya, P.S.- Saraiya (O.P.), Jaitpur, District- Muzaffarpur.

..... 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 Superintending Engineer, Building Division, Muzaffarpur.
4. The Executive Engineer, Building Division, Muzaffarpur.

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Pd., Adv
Mr. Raju Kumar Goswami, Adv

For the Respondent/s : Mr. U.S.S.SINGH -GP19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-03-2018

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 respondent no. 2 to make
available the allotment of Rs. 34,49,488/-
only, so that payment should be made to



the petitioner who has completed the work of construction of Drainage system in S.K.M.C.H., Muzaffarpur vide Agreement No. 164 F2 16-17.

- (ii) To direct the respondents to make the payment of aforementioned dues to the petitioner after allotment of fund 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 of construction of drainage system in S.K.M.C.H., Muzaffarpur vide agreement no. 164 F2 16-17 the petitioner is yet to be paid Rs. 33,77,674/-.

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 Joint Secretary, Building Construction Department, Bihar, Patna (Respondent No. 2) 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	13.03.2018
Transmission Date	NA

