

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18020 of 2017

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Chandan Kumar, Son of Sri Bharat Singh @ Bharat Narain Singh, resident of A/402, Priyadarshani Apartment, Boring Road Chowraha, P.S. Budha Colony, District- Patna.

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Railway, New Delhi.
2. The General Manager, East Central Railway, Hazipur.
3. The Senior Divisional Engineer (Spl.), East Central Railway, Dhanbad.
4. The Divisional Railway Manager, East Central Railway, Dhanbad.

.... Respondents

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Appearance :

For the Petitioner : Mr. Jai Prakash Verma, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

The present writ petition has been filed for commanding and directing to the respondent authorities to pay to the petitioner about Rs. 15,00,000/- (Fifteen lacs only) along with interest @ 12% per annum from the date of completion of work on 10.08.2016 i.e. "Patheridh-Up-Gradation of marshalling sick line with provisions of EOT crane and heavy duty flooring at Patherdih under AEN (2), E.C. Railway, Dhanbad" till the date of its final payment including security deposit and EMD.

2. Learned counsel for the petitioner submits that despite having completed the work of "Patheridh-Up-Gradation of marshalling sick line with provisions of EOT crane and heavy duty flooring at Patherdih under AEN (2), E.C. Railway, Dhanbad" under the agreement



dated 12.05.2014, the petitioner has only received a part of payment due to him leaving a considerable part of the outstanding and for which he has filed a representation dated 23.10.2017 before the Senior Divisional Engineer (Special), East Central Railway, Dhanbad (respondent no. 3) which is still pending.

3. None appears on behalf of the respondent-Railway when the matter is called.

4. 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 Senior Divisional Engineer (Special), East Central Railway, Dhanbad (respondent no. 3) 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.



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

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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