

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14026 of 2013

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Tarachand Poddar son of Late Deep Narayan Poddar, presently working as registered contractor in the Electrical Estimating Division No.1, Building Construction Department, Govt. of Bihar, Patna and residing at Sheo Nagar, South Dariyapur, Police Station - Parsa Bazar in the town and District of Patna.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna
2. The Secretary, Building Construction Department, Govt. of Bihar, Patna
3. The Chief Engineer (South), Building Construction Department, Bihar, Patna
4. The Superintending Engineer, Building Design Circle No. 1, Building Construction Department, Patna
5. The Electrical Executive Engineer, Electrical Estimating Division No.1, Building Construction Department, Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Ranjit Kumar Singh, Advocate.

For the Respondents : Mr. Nishant Kumar Jha, AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-09-2018

The present writ petition has been filed for a direction to the respondents for making due payments to the petitioner to the tune of Rs. 6,70,383/- as required after approval and allotment thereof was sought by respondent no. 5 vide letter no. 2833 dated 10.12.2012 as contained in Annexure-5; along with penal interest.

2. At the outset itself, learned counsel for the petitioner states on instruction that during the pendency of the writ petition, an amount of Rs. 5,72,993/- has been paid to the petitioner. It is however submitted that an amount of Rs. 82,731/- towards supply of



fans has not yet been paid. The petitioner seeks liberty to represent before the concerned authority in this regard.

3. Learned counsel for the respondents appears and invites reference to the counter affidavit in paragraph-10 whereof it has been stated that there was no supply of fans by the petitioner and no payment in that regard has thus been made.

4. It would appear that a copy of the counter affidavit has not appropriately been served upon the petitioner who denies receipt of the same.

5. In any event and having regard to the nature of the grievance of the petitioner, the writ petition is disposed of granting liberty to the petitioner to represent before the Electrical Executive Engineer, Electrical Estimating Division No. 1, Patna (respondent no. 5) 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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