

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22848 of 2011

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1. Manju Devi W/O Late Dinesh Kumar Thakur, R/O Mohalla-Nathnagar,
Gobersahi, Bhagwanpur Chhati, Distt.-Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary R.C.D. Bihar (Patna)-Cum-Nh Bihar
(Patna) R/O Vishwashariya Bhavan, Patna
2. Engineer-In-Chief-Cum-Additional Commissioner-Cum-Special Secretary,NH
Bihar (Patna) Vishwashariya Bhavan, Beliy Road, Patna
3. Executive Engineer, Nh 77 Division No. 2 Combandra Building, Muzaffapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SHISHIR KUMAR

For the Respondent/s : Mr. NEERAJ NANDAN GP20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-10-2018

This writ application has been filed for a direction to the respondent no. 4 for making payment to the petitioner of Rs. 4,67,181/- for the work done by him with respect to agreement no. 07 F2/2002-03 awarded to him by the Bihar Road Construction Department, NH division no. 2, Muzaffarpur, with penal interest due to the same having withheld without any reasonable basis.

2. Learned counsel for the petitioner submits that the petitioner's husband was allotted the work relating to desiltation of 26/1 R.C.C. bridge at Janar Village in 26th KM and 28/1, 28/2 vented cause way at Bhanaspatti village at 28th KM of Muzaffarpur-Sitamarhi Sec. of NH 77 under M/R for the year 2002-03.He completed the



work within time to the satisfaction of the competent authority. The site in question was inspected and measurements were done and found satisfactory. However no payment was made to her husband. It is further submitted that the Engineer-in-Chief-cum Additional Commissioner-cum-Special Secretary in the Department of Road Construction, Bihar vide letter no. 2398 dt. 16.06.2010 directed the Chief Engineer, Road Construction Department, NH Division, Patna to make payment to the petitioner for work done by him from the allotment received for non-planned expenditure as the department had approved the claim made by him, but no payment has been made. After the death of her husband, the petitioner filed this writ application for payment of the amount due to her husband in lieu of work done by him.

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

4. A perusal of para-4 of the counter affidavit discloses that the claim of the petitioner in its entirety is admitted and a decision has been taken by the Department to pay the dues of the petitioner. The counter affidavit was sworn as far back as on 03.09.2012 itself.

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 with a direction to the Executive Engineer, NH 77



Division No. 2, Muzaffarpur (Respondent no. 3) to ensure payment of the outstanding amount to the petitioner 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.

(Vikash Jain, J)

sushma/-

AFR/NAFR	NAFR
CAV DATE	-----
Uploading Date	09/10/2018
Transmission Date	-----

