

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1766 of 2017

=====

Binod Kumar Singh, S/o Lallan Singh, Resident of Veer Kunwar Singh Co-operative Colony, Charitar Van, P.S. & P.O.- Buxar, District- Buxar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Building Construction Department, Govt. of Bihar, Visheshwariya Bhawan, Bailey Road, Patna- 800015.
3. The Principal Secretary, Home Department, Govt. of Bihar Old Secretariat, Patna- 800001.
4. The Special Secretary of Govt., Building Construction Department, Bihar at Patna.
5. The Secretary, Building Construction Department, Govt. of Bihar at Patna.
6. The Joint Secretary Building Construction Department, Govt. of Bihar, Visheshwariya Bhawan, Bailey Road, Patna.
7. The Chief Engineer, (South), Building Construction Department, Govt. of Bihar, Visheshwariya, Bhawan, Bailey Road, Patna- 800015.
8. The District Magistrate, Buxar.
9. The Deputy Collector, Buxar.
10. The Officer In-Charge, District Development Section, Buxar.
11. The Superintending Engineer, Building Circle, Ara.
12. The Executive Engineer, Building Division, Buxar.
13. The Assistant Engineer, Building Sub-Division, Buxar, Dumraon.
14. The Junior Engineer, Building Division, Buxar, Dumraon.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Om Prakash, Advocate.

For the Respondents : Mr. Uday Shankar Sharan Singh, GP-19

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs -

“(A) I. To direct the respondents to give “Administrative



Approval” of work got done during 13.10.2012 & 14.10.2012, on visit of Chief Minister, Bihar in Buxar District on the eve of “Adhikar Yatra” as well as to allot the fund of Rs. 12,99,400/- (Rupees Twelve Lakhs Ninety Nine Thousand Four Hundred) only against the estimated/actual cost/expenses incurred in construction of Barricading work, in view of letter no. 101822/ GO and 101824/GO dated 11.10.2012 (Annexure-1 and 2) issued by respondent no. 8 as well as Annexure-3 and 4 issued by respondent no. 12.

II. To direct the respondents to make payment of admitted due amount of Rs. 12,99,400/- (Rupees Twelve Lakhs Ninety Nine Thousand Four Hundred) only to the petitioner against the work of Barricading in both side of row near quila Maidan outside area, in both side row near Dumadera at Chousa, Kritpura Jyoti Chawak and Syndicate at Buxar and around helipad in quila Maidan Buxar done by him in view of Annexure-3 during 13.10.2012 & 14.10.2012 visit of Chief Minister in Buxar District on the eve of “Adhikar Yatra”.

III. To direct the respondents to pay interest at the rate of 18% per annum to the petitioner upon the aforesaid admitted due amount i.e. Rs. 12,99,400/- (Rupees Twelve Lakhs Ninety Thousand Four Hundred only) from 14.10.2012 i.e. the date of measurement of work till the date of actual payment.

(B) For passing any such other order or orders for which the petitioner is found entitled under the law in the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that



despite having completed the contractual work of barricading, an amount of Rs. 12,99,400/- remains outstanding for payment. The respondents have admitted the said dues of the petitioner as evident from the letter dated 10.12.2015 issued by the Officer In-Charge, District Development Officer Section, Buxar (respondent no. 10) requesting the Special Secretary of Government, Building Construction Department, Bihar, Patna for allotment of necessary funds for making payment to the petitioner.

4. Learned counsel for the respondent-State appears and has been heard. Despite more than one year having elapsed since filing of the writ petition, however, no counter affidavit has been filed till date.

5. Having regard to the nature of the grievance of the petitioner, it prima facie appears that despite the long years of waiting, the petitioner has not yet been paid his legitimate dues. The contractual work is said to have been performed as far back as on October, 2012 itself and already more than two years have elapsed since the Special Secretary, Building Construction Department was requested for allotment of funds to enable payment to the petitioner.

6. Accordingly, this writ petition is disposed of granting liberty to the petitioner to approach the Principal Secretary, Building Construction Department, Government of 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 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 his 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.

7. 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
CAV DATE	N.A.
Uploading Date	08.03.2018
Transmission Date	N.A.

