

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21245 of 2013

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Jitendra Kumar Singh Son Of Shri Alakhdeo Singh R/O Village - Ratanpur,
P.S. Piprahi, District - Sheohar

... .. Petitioner/s

Versus

1. The Union Of India, Through The Ministry Of Railway, Government Of India, New Delhi
2. The Secretary, Ministry Of Railway, Government Of India, New Delhi
3. The General Manager (Engg), East Central Railway, Hajipur
4. The General Manager, East Central Railway, Hajipur
5. The Divisional Railway Manager, East Central Railway, Samastipur
6. The Senior Engineer (1), East Central Railway, Samastipur
7. The Divisional Rail Manager (Engg), Samastipur
8. The Assistant Engineer East Central Railway, (Engg), Darbhanga
9. The Senior Divisional Engineer (1), East Central Railway, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv
For the Respondent/s : Mr. Mahesh Prasad, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 04-12-2018

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

2. The present writ petition has been filed for quashing the letter no. C/98/S-453/W-1/258 dated 20.02.2013, whereby and whereunder the contract granted to the petitioner has been terminated for construction of RCC box bridge at K.M. 28/7-8 between Thalwara-Laheriasarai, CA No. DRM/TC/440 dated 19.01.2012, without notice, show cause, and without giving any opportunity of hearing to the petitioner.

3. At the very outset, this Court takes note that remedy by way of arbitration is available to the petitioner for the relief sought in the writ petition.

4. In that view of the matter, this Court is not inclined to interfere in the matter to exercise its extraordinary writ



jurisdiction. The writ petition accordingly stands disposed of with liberty to the petitioner to invoke the arbitration clause for redressal of his grievances. It is made clear that this Court is not expressing any opinion on the merits of the matter.

5. It is made clear that in case such an application is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.12.2018
Transmission Date	NA

