

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11812 of 2015

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Bimal Kumar Jha Son of Shri Chandeshwar Jha, Resident of Village - Darima, P.S. - Keoti, District - Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Planning & Development Vishwashwariya Bhawan, Patna.
3. The Chief Engineer, Department of Planning, Local Area Engineering Organization, Bailey Road, Patna.
4. The Superintendent Engineer, Department of Planning, Local Area Engineering Organization, Darbhanga Division, Darbhanga.
5. The Executive Engineer, Local Area Engineering Organization, Work Division No. 1, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Subhash Kumar Mishra, Advocate
For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 17-12-2018

The present writ petition has been filed for the following reliefs –

“(i) For a direction to the respondent authorities to pay the amount Rs. 1,86,934/- with interest, which has been withheld in want of sanction order for time extension application from the competent authority in spite of submission of application for time extension dully recommended and forwarded by Assistant Engineer before Respondent No. 5 well within time.

(ii) For a direction to the Respondent authority to take appropriate action against the erring official who has not sent the application for time extension to competent authority and withheld application at his own level though the work had already been completed under the guidance of departmental engineers.



(iii) For any other relief/relief(s) to which the petitioner may be found entitled to in the eye of law including the cost of litigation to be paid to the petitioner.”

2. Learned counsel for the petitioner fairly accepts that Clause 23 of the General Rule and Direction for the guidance of Contractors (Annexure-A to the counter affidavit) contemplates a procedure for settlement of the dispute or difference between the parties which has not been availed of.

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

4. In the above view of the matter, this Court is not inclined to interfere in the matter. The writ petition stands disposed of granting liberty to the petitioner to invoke the procedure in terms of Clause 23 aforesaid for redressal of his grievance.

(Vikash Jain, J)

BT/Chandran

AFR/NAFR	NAFR
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