

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3265 of 2015

=====

Binod Kumar Son of Shri Hari Nath Prasad resident of village -
Mirchaipatti, Police Station - Town (Sitamarhi), District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Health Department, Government of Bihar, Patna
3. The Bihar Medical Services Infrastructure Corporation Limited (A Government of Bihar Undertaking) through its Managing Director
4. The Managing Director, Bihar Medical Services Infrastructure Corporation Limited
5. The Chief General Manager (Project), Bihar Medical Services Infrastructure Corporation Limited
6. The General Manager (Works), Bihar Medical Services Infrastructure Corporation Limited
7. The General Manager (Finance), Bihar Medical Services Infrastructure Corporation Limited
8. The Project Engineer (Manager), Bihar Medical Services Infrastructure Corporation Limited null Respondent nos 3 to 8 are having their offices at 5th Floor, Biscoman Bhawan, Gandhi Maidan, Patna - 800001
9. The Civil Surgeon - Cum - Member Secretary, District Health Committee, Sitamarhi
10. The In - Charge Medical Officer, Primary Health Centre, Dumra, Sitamarhi

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Navendu Kumar, Adv
For the Respondent/s : Mrs. Archana Meenakshee, GP 6

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 06-12-2018

The present writ petition has been filed for setting aside the letter no. BMSIC/80020/08-2012/2615 dated 27.11.2014 issued by the General Manager (Project), BMSICL, by which the work contract allotted to the petitioner was rescinded and performance security was seized in view of the letter no. BMSIC 80020/08-2012/1885 dated 02.09.2014 issued by the Chief General Manager (Project), BMSICL, as they did not find the petitioner's reply to the show cause issued by them; for a direction to the Managing Director BMSICL to refund the security



deposit of EMD, i.e. Rs. 2,26,700/- of the petitioner and also pay Rs. 5,00,000/- as compensation to the petitioner against his mental and physical torture; and for connected reliefs.

2. Learned counsel for the respondents at the very outset submits that the petitioner has not availed the alternative remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal and has directly approached this Court for redressal of his grievances.

3. Learned counsel for the petitioner appears and has been heard. It is not disputed that remedy by way of arbitration before the Tribunal is available to the petitioner and admitted by the petitioner.

4. In view of the submission of learned counsel for the respondents, this Court is not inclined to interfere in the matter. The petitioner would be at liberty to avail of the remedy before the Bihar Public Works Contracts Disputes Arbitration Tribunal for redressal of his grievances, in accordance with law.

5. The writ petition accordingly stands disposed.

6. 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	14.12.2018
Transmission Date	NA

