

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.582 of 2018

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Dinesh Kumar, S/o-Late Kedar Prasad Singh, resident of Ward No.-17, Ghosh Lane, P.O. + P.S.-Samastipur, District-Samastipur.

.... Petitioner/s

Versus

1. The Union of India represented through the General Manager, Eastern Central Railway, Hajipur.
2. The General Manager, Eastern Central Railway, Hajipur.
3. The Senior Divisional Engineer/ I, Eastern Central Railway, Samastipur.
4. The Divisional Engineer, Eastern Central Railway, Samastipur.
5. The Assistant Divisional Engineer/II, Eastern Central Railway, Samastipur.
6. Purushottam Tiwari, Divisional Engineer, Headquarter, Eastern Central Railway, Samastipur.
7. Suman Bharti, Divisional Engineer, Headquarter, DN-1, Eastern Central Railway, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava,Adv

For the Respondent/s : Mr. Anil Kumar Sinha.Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

The present writ petition has been filed for the following reliefs__

- (i) To issue a writ in the nature of mandamus commanding the respondent no. 4 to refund the earnest money amounting to Rs. 82,000/- deposited by the petitioner as the petitioner applied against carrying out Zonal work for the period 01.07.2017 to 31.05.2018 for repair and maintenance of Staff Headquarters in Gandak Colony, Station Colony, and Jitwarpur Colony, under ADEN/Land/Samastipur, Zone No. 26.
- (ii) To issue a writ in the nature of certiorari for quashing of the letter dated 25.10.2016 bearing numbered as W/362/SP1/2017/96/Open/TC/290 issued under the signature of respondent no. 4 by which the respondent



no. 4 was pleased to forfeit the earnest money amounting to Rs. 82,000/- deposited by the petitioner through online DCIREPS Ref/ID Bank Tran.ID PE253950/17052469217069 and the said amount was credit to the Bank Account of FA & CAO/ECR as the said order was issued in complete departure to this fact that the petitioner completed the eligibility criteria but at the instance of the respondent no. 6 and 7 the respondent no. 4 forfeited the amount of earnest money.

- (iii) To issue a writ in the nature of certiorari for quashing of the letter dated 15.12.2017 (Annexure-P/7) bearing letter No. W/362/SPJ/2017/87/Open/TC 25 as the same was issued in compliance to the letters dated 25.10.2016 as contained in Annexure-5 and 5/A.
- (iv) To declare the letter dated 25.10.2016 (inadvertently instead of year 25.10.2017 the date of letter has been mentioned as 25.10.2016) bearing numbered as W/362/SPJ/2017/96/Open/TC/290 is per se illegal, unauthorized, arbitrary and colourable exercise of power, because the petitioner applied for repair and maintenance of Staff Headquarters in Gandak Colony, Station Colony, and Jitwarpur Colony, under ADEN/Land/Samastipur, Zone No. 26 and the petitioner in support of eligibility criteria submitted entire relevant documents including credential/turnover submitted by P. Jyoti & Co., Chartered Accountants. Samastipur, but the same was treated as false and fake certificates of contractual payment.
- (v) Any other relief or reliefs.

2. At the very outset this Court takes note that the petitioner has not raised the grievance before the concerned authorities and he has instead straightaway rushed to this Court for relief by filing the instant writ



petition.

3. In the above view of the matter, the writ petition is disposed of granting liberty to the petitioner to approach the General Manager, Eastern Central Railway, Hajipur (Respondent No.2) with a 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, within a period of six weeks from the date of receiving the petitioner’s representation. If the petitioner is found entitled to any payment, the same shall be paid forthwith.

(Vikash Jain, J)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.04.2018
Transmission Date	NA

