

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.800 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, Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shri Prakash Srivastava
Ms. Anu Priyadarshni,
Ms. Rinki Kumari, Advocates

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-07-2018

The present writ petition has been filed for payment of contractual dues amounting to Rs. 4,43,532.56 pursuant to work done in respect of Contract Agreement No. DRM/T.C./244 dated 24.06.2008.

2. Having heard the parties, it would appears that the claim of the petitioner has been disputed by the respondents who, by their letter dated 15.09.2017 (Annexure-P/8), have treated the matter as closed and no bill of the petitioner is stated to be pending with them.

3. In the above view of the matter, this Court is not inclined to enter into the merits of the petitioner's claim. It is admitted that



remedy by way of arbitration is available to the petitioner for redressal of his grievances.

4. The writ petition accordingly stands dismissed with liberty to the petitioner to invoke arbitration in accordance with law.

5. It is made clear that in case such remedy of arbitration is availed of, 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

AFR/NAFR	NAFR
CAV DATE	NA
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