

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1089 of 2019

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R. K. Enterprises Through Its Proprietor Sh. Raj Kumar, son of Sh. Rajendra
Pd. Singh, R/o Singh Bhawan near H.R.D.T. Public School, Shivpuri, P.S.-
Shastri Nagar, District- – Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Public Health Engineering, Govt. of Bihar, Patna
3. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering, Govt. of Bihar, Patna
4. The Chief Engineer, Public Health Engineering Department, Patna Range, Patna
5. The Superintending Engineering, Public Health Engineering, Sasaram Circle, Sasaram
6. The Executive Engineer, Public Health Engineering, Sasaram
7. The Assistant Engineer, Public Health Sub-Division, Dehri-on-Sone.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey, Advocate
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-01-2019 The grievance of the petitioner is that despite completion of work under Agreement 3F2 of 2009-10, he has not been paid in terms of the agreement. Learned counsel for the petitioner has drawn attention of this Court towards the various representations made by the petitioner, the last being Annexure-9/1 dated 12.11.2018.

Learned counsel for the State submits that the petitioner has moved this Court after huge delay and in any case the petitioner has a statutory forum available under the Bihar Public Works Contract Dispute Arbitration Tribunal Act, 2008.

Heaving heard learned counsel for the petitioner and learned counsel representing the State, this Court is of the considered



opinion that in case the claim of the petitioner has not been considered and payment of admitted amount has not been made, the Superintending Engineer, Public Health Engineering, Sasaram Circle, Sasaram (respondent no. 5) shall consider the same and would take an appropriate decision with regard to payability of the claim of the petitioner within a period of two months from the date of receipt/production of a copy of this order and in case any admitted amount is found payable to the petitioner the same shall also be paid within the stipulated period. In case the claim of the petitioner has not been sent to the respondent no. 5, the petitioner shall send a copy of his claim to the respondent no. 5 within a period of 15 days from today.

On consideration of the claim of the petitioner if the respondent no. 5 finds that the claim or any part of the claim is not payable to the petitioner, a reasoned communication shall be made to the petitioner within a maximum period of 90 days from the date of receipt/production a copy of this order.

The petitioner will be at liberty to raise the issue against the rejection order, if any.

This writ petitioner stands disposed off.

(Rajeev Ranjan Prasad, J)

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