

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1516 of 2019

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Shashi Bhushan Kumar, aged about 40 years, Male, S/o Late Rajnandan Prasad Singh @ Rajnandan Prasad Singh Resident of Near Alakhnath, Back of Sub Jail, Ward No.1,P.O.-Barh Court, P.S.-Barh, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Engineer-In-Chief, Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Public Health Engineering Department, Bhagalpur Zone, Bhagalpur.
5. The Executive Engineer, PH Division, Bhagalpur West, Bhagalpur.
6. The Treasury Officer, District Treasury Bhagalpur, Bhagalpur.
7. The District Magistrate, Bhagalpur, District-Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Giri,Adv. Mr.Pratyush Pratap Singh, Adv.
For the Respondent/s	:	Mr.U.P.Singh AC to SC 4.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-02-2019 Learned counsel for the petitioner is permitted to add the District Magistrate, Bhagalpur as party respondent no. 7 in course of the day.

Petitioner in the present case is seeking a direction to the respondents to pay his admitted dues of Rs.88,04,790.00/- which has not been paid for long. The payment is said to be due against Agreement No. SBD-02 of 2017-18 which was floated for construction for Rural Piped Water Supply Scheme at Amwan Village and adjoining areas in the District of Bhagalpur



(Bihar) under Public Health Division, Bhagalpur West, Bhagalpur. The petitioner has also prayed for interest thereon from the date the amount became due till the actual payment.

Learned counsel for the petitioner has drawn the attention of this Court towards the letter as contained in Memo No. 14 dated 04.01.2019 written by the Executive Engineer, Public Health Division, Bhagalpur West, Bhagalpur to the District Magistrate, Bhagalpur wherein he has stated that the work in question has already been completed and the bills are pending for payment in the Division. He has further written that in view of the sanction order of the Department of Finance, the requirements and No Objection Certificate relating to expenditure are required to be issued by the Treasury Officer, Bhagalpur. The Treasury Officer, Bhagalpur, has also been requested vide Letter No.1036 dated 18.08.2017, Letter No.1243 dated 04.10.2017, Letter No.1407 dated 15.11.2017 as also Letter No.1073 dated 01.08.2018 to issue the No Objection Certificate. A personal request has also been made to the Treasury Officer but he is not taking any steps thereon.

The inaction on the part of the Treasury Officer, Bhagalpur, is apparent on the face of Annexure '6' to the present writ application. It is this inaction which has compelled the



petitioner to move this Court for a direction.

Learned counsel for the State is present, however, he has taken a reasonable stand saying that from Annexure '6' to the writ application it appears that the petitioner has completed the work and his bills are pending. So far as the amount is concerned, the letter states that for this work a sum of Rupees Eighty Nine Lacs have already been received in the Department in the year 2014-15 itself.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the Treasury Officer, Bhagalpur (respondent no. 6) to take immediate steps to do the needful in accordance with law in terms of letter vide Memo No.14 dated 04.01.2019 written by the Executive Engineer, Public Health Division, Bhagalpur West, Bhagalpur addressed originally to the District Magistrate, Bhagalpur but a copy of the same has been endorsed to respondent no. 6 also. He will do the needful within a period of 15 days from the date of receipt/production of a copy of this order, thereupon, the respondent no. 5 shall take further steps towards payment of the admitted dues of the petitioner whatsoever it may be. The admitted dues which would be found payable shall be paid to the petitioner within a period of two



months from today, failing which the respondent nos.1 to 5 shall be liable to pay interest thereon at the rate of 6% per annum from the date the amount became due till the date of payment.

The District Magistrate, Bhagalpur, is also directed to look into the matter and take appropriate steps to avoid further delay.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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