

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1836 of 2019

Chandan Kumar, aged about 34 years (M), Son of Narendra Kumar, Resident of Village-Rampara Road, Navneet Nagar, P.S+District-Katihar.

... .. Petitioner/s

Versus

- 1.The State Of Bihar through its Principal Secretary, Public Health Engineering Department, Bihar, Patna.
- 2.The Principal Secretary, Public Health Engineering Department, Bihar, Patna.
- 3.The Chief Engineer (Nagrik), Public Health Engineering Department, Bihar, Patna.
- 4.The District Magistrate, Katihar-cum-District Election Officer, Katihar.
- 5.The Superintending Engineer, Public Health, Purnia, Anchal-Purnea, District-Purnea.
- 6.The Executive Engineer, Public Health Division, Katihar, District-Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra, Adv. Mr.Dhananjay Kr. Gupta, Adv. Mr.Vivek Jha, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad, AAG5. Md. Anisul Haque, AC to AAG5.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

The grievance of the petitioner is that during the Lok Sabha Election of 2014, he had done some installation of Hand-Pumps and Sawachalaya. According to Annexure “4” which is Letter No.107 dated 02.02.2018 written by Executive Engineer, Public Health Division, Katihar to the Chief Engineer (Civil), Public Health Engineering Department, Bihar, Patna the petitioner has done work for a sum of Rs.28,13,315/- out of



which he had only been paid a sum of Rs.9,73,695/-. According to the said letter the petitioner is entitled for getting the balance amount of Rs.18,39,620/-.

Learned counsel for the petitioner submits that dues of the petitioner is in the nature of admitted dues which has not been paid for almost five years by now. According to the said letter the District Officer/District Magistrate, Katihar, has to take steps for allotment of funds.

Learned counsel for the State is present.

In the facts and circumstances of the case, the writ application is being disposed of with a direction to the District Officer/District Magistrate, Katihar, at whose instance the work is said to have been done to look into the Letter No.107 dated 02.02.2018 as also other communications with regard to the work done by the petitioner and the payment said to be due to him. In case, he finds that the petitioner has done the work and in want of allotment of funds, the payment has not been made to him, the District Officer/District Magistrate, Katihar, shall take immediate steps to arrange the funds for payment of admitted dues to the petitioner and shall also consider paying a reasonable interest thereon for the delayed period. The payment of interest would be justified for the reason that the work seems



to have been done in the year, 2014 and if the petitioner has been made to wait for about five years, he is entitled to be compensated by way of interest.

This Court has not gone into the merit of the claim but the documentary evidence brought on record give a prima-facie indication that the petitioner is looking for payment of his admitted dues. Whatsoever be the position, the District Officer/District Magistrate, Katihar, shall examine the same and do the needful as stated above within a period of 60 days from the date of receipt/production of a copy of this order. This Court expects that the District Officer/District Magistrate, Katihar, shall take an independent view of the matter and all exercise with regard to payment of the admitted claim shall be made at his end.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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