

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.26 of 2019

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Awadhesh Kumar Yadav, son of Guneshwar Yadav, Resident of Chhapal Tola,
P.S. Kahalgaon, District Bhagalpur, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Engineer in Chief cum Additional Commissioner cum Special Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Chief Engineer, National Highway Wing, Road Construction Department, Bihar, Patna.
4. The Superintending Engineer, National Highway Circle, Bhagalpur, District-Bhagalpur, Bihar.
5. The Executive Engineer, National Highway Division, Bhagalpur, District-Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Chitranjan Sinha -PAAG 2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-05-2019

The petitioner, who is a Class-IV Contractor, has approached this Court for a direction to the respondent authorities to release the payment of work which has admittedly been completed by her wayback in the month of March, 2017 and such payments be made after extending the stipulated period of completion of work in the contract.

2. It is the case of the petitioner that altogether four F-2 agreements, dated 29.11.2016, were executed by

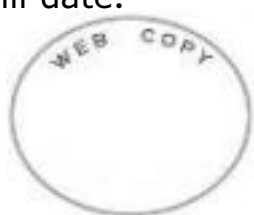


him with the respondents for repair work of road between Kahalgaon and Vikramshila on the eve of the proposed visit of Hon'ble the President of India. The works are completed by the petitioner and inspection reports by the competent authority, viz., Executive Engineer, was also issued, which reports have been annexed with this petition.

3. It has been submitted on behalf of the petitioner that the completion reports clearly indicate that the work was executed to the satisfaction of the respondent authorities and requisite measurements also have been entered into measurement book. The bills have been prepared only in accordance with the agreement and the entries made in the measurement book.

4. The payment has not yet been made to the petitioner because of insufficiency of funds.

5. However, the learned counsel for the petitioner has drawn the attention of this Court to the fact that now there is an approval of the sanction for the payment of such amount, but surprisingly and much to the chagrin of the petitioner, the amount which is due to him has been withheld till date.



6. Under the aforesaid circumstances, this Court deems it appropriate to direct the petitioner to make a detailed representation, indicating all such facts before the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna (respondent No. 1) within a period of four weeks from today, who, on receipt of such representation, after verifying the facts and ascertaining the payability of the amount claimed by the petitioner, shall pass necessary order in accordance with law within a further period of four weeks thereafter. If the claim of the petitioner is found to be tenable and there is a failure of payment, needless to state that the petitioner would be entitled for the interest because of such delay.

7. With the aforesaid direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.05.2019
Transmission Date	

