

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3164 of 2019

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Kunwar Singh, aged about 56 years (Male), Yamuna Singh Resident of
Village- North Askamini Nagar, Bikramganj Sasaram P.S Charpokhari
District- Rahtas.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Building Construction Department,
Bihar, Patna
2. The Superintending Engineer, Building Circle, Rohtas Rohtas.
3. The Executive Engineer Building Division Sasaram Rohtas.
4. The Assistant Engineer, Building Division, Sasaram. Rohtas.
5. The Sub Divisional Officer, Building Sub Division Sasaram.
6. The Junior Engineer Building Construction Department Sasaram.
7. The Jail Superintendent, Rohtas.
8. The Jail Deputy Superintendent, Bikramganj, Sasaram.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Raj Ballabh Pd.Yadav (AAG11)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-06-2019 Petitioner, in the present case, has moved this court

seeking a direction to the respondents to pay the petitioner a
sum of Rs. 2,02,422/- (Two Lacs Two Thousand Four Hundred
Twenty Two Rupees) for the work he has done towards
repairing of the Deputy Superintendent residence at Sub-Jail,
Bikramganj, Sasaram, District – Rohtas.

It is the case of the petitioner that pursuant to his
participation in the tender and execution of agreement as
contained in Annexure '1' to the writ application he had
completed the work. The measurement book has also been



submitted by the respondent concern vide Annexure '2' to the writ application and Annexure '3' as contained in Memo No. 163 dated 09.03.2016 certifies that the petitioner has completed the work.

It is submitted that the petitioner has filed several representations before the Executive Engineer (respondent no. 3) since 01.09.2017 for payment of the aforesaid amount but no action is being taken towards payment and more than three years have expired in the process.

A counter affidavit has been filed on behalf of respondent nos. 7 & 8 who have stated that the work aforesaid was taken by the Building Division and it is the Building Division who has to take decision about the said payment.

Learned counsel for the State is present. Presently he has no instruction in the matter, however in the given facts and circumstances of the case, learned counsel submits that the grievance of the petitioner with regard to the payment may be considered by the appropriate authority in the department.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the respondent nos. 1 – 3 to look into the grievance of the petitioner, consider the same within one month from the date of



receipt/production of a copy of this order.

In case, the petitioner is found entitled to the payments, the same must be made available to him within next one month, failing which the petitioner would be entitled for interest on the admitted amount at the rate of 6% per annum from the date it became due to the petitioner, and, in such event the interest, which the State would be liable to pay to the petitioner, would be recovered from the erring officials who may be found keeping the file of the petitioner pending with him.

If the claim of the petitioner is refused, the reasons therefor be communicated to the petitioner.

The Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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