

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2748 of 2019

Progressive Enterprises through its proprietor Ajit kumar singh R/o Nai Basti Mahadev, P.S. Siwan Muffasil, Distt. Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Bihar, Patna
2. The Chief Engineer, Local Area Engineering Organization Planning and Development Dept. Bihar, Patna
3. The Superintending Engineer, Local Area Engineering Organization Planning Division, Siwan
4. The Assistant Engineer Local Area Engineering Organization Planning Division, Siwan Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar
For the Respondent/s : Mr.Harish Kumar (GP8)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-06-2019 I. A. No. 1 of 2019 has been preferred on behalf of the intervenor who had earlier moved this Court in CWJC No.20201 of 2016 which he had withdrawn on his own without seeking any liberty from this Court to move again. Realizing this position, Mr. Chandra Kant, learned counsel for the intervenor has sought permission to withdraw the I.A.

Permission is granted. I.A. is dismissed as withdrawn.

Petitioner, in the present case, is seeking a direction to the respondent Executive Engineer, Local Area Engineering Organization, Work Division-01, Siwan to make payment of his full and final bill for the work done by him as per agreement



no.148 F2 of 2013-14 and agreement no.142 F2 of 2013-14.

It is the case of the petitioner that construction of the two Panchayat Bhawans for which agreements were executed by him have been completed long back and the possession of the Panchayat Bhawans have been handed over to the Panchayat Secretary and Mukhiya on 16.05.2017 and 20.05.2017 respectively. Copies of the handing over of the Panchayat Bhawans have been brought on record as Annexure-1 and 1/1 respectively.

The petitioner has made further statement saying that there is no dispute that the petitioner has completed the work, however, earlier due to filing of the writ application being CWJC No.20201 of 2016 the payment was delayed. The said writ application was, however, withdrawn on 23.11.2017 and thereafter there was no impediment in the matter of consideration of payment for the work done by the petitioner, still the payments are not being made to him.

Learned counsel for the State submits that, in the given facts and circumstances of the case, the appropriate authority may be directed to look into the grievance of the petitioner, consider the same and take an appropriate decision thereon within a prescribed period.



Having heard learned counsel for the parties and on perusal of the records, taking note of the submissions made by the petitioner in the writ application, this Court directs the Executive Engineer, Local Area Engineering Organization, Work Division-01, Siwan (respondent no.4) to look into the grievance of the petitioner, as contained in Annexure-3 series to the writ application, examine the correctness of the statements of the petitioner and in case it is found that the petitioner has completed the works allotted to him under the two agreements and any amount is admittedly due to him, the Executive Engineer shall ensure that such admitted amount be paid to the petitioner within a period of three months from the date of receipt/production of a copy of this order. If any of the claims or part of the claims of the petitioner is not payable, the reasons thereof must be provided to the petitioner within the same period.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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