

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16265 of 2013

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Chandi Lok Kalyan Samiti Through Its Secretary / Chairman Yadunandan Prasad Son Of Late Bulkan Mahto Resident Of Village - Saidanpur, P.S. Chandi, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Rural Development, Government Of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Executive Engineer, P.H.E.D. Bihar Sharif, Nalanda
5. The Assistant Engineer, P.H. Sub - Division, Bihar Sharif, Nalanda
6. The Junior Engineer, P.H. Section, Chandi, Nalanda
7. The Sub Divisional Officer, Bihar Sharif, Nalanda
8. The Block Development Officer, Chandi Block, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sheojee Mishra, Adv.
For the Respondent/s : Mr.Sushant Praveer, AC to SC-9

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-01-2019 This writ application has been preferred for a direction to the respondents to make payment of the admitted dues amounting to Rs.99,300/- against the work conducted by the petitioner under District Water and Cleanliness Scheme, Nalanda.

It is the case of the petitioner that he has constructed 31 lavatory at village-Nawada situated under Rukhai Panchayat of Chandi Block, Nalanda. The petitioner has also prayed for interest @ 18% per annum on the delayed payment till the date of its realization. Learned counsel for the petitioner submits that the petitioner has constructed lavatory at village Nawada by



spending money from his own pocket after getting allotment of the same. It is submitted that the Junior Engineer, P.H. Section made spot inspection of the site of all the lavatories and on being satisfied and finding the work of petitioner as per the specifications in the scheme approved the bills submitted by the petitioner and forwarded the same along with his endorsement made on 22.09.2012. It is submitted that since then no step has been taken to process his bills and make payment thereof.

It is unfortunate that in a case of the year 2013 till date no counter affidavit has been filed on behalf of the State. Learned counsel for the State has otherwise no instruction to assist this Court.

In the given facts and circumstances, at this stage, instead of keeping the writ application pending, the Executive Engineer, P.H.E.D., Biharsharif (respondent no.4) is directed to examine the bills which were said to have been forwarded by the Junior Engineer, P.H. Section, a copy of which has been enclosed as Annexure-1 to the writ application. The Executive Engineer should verify the genuineness of the bills and the work done by the petitioner within a period of 60 days from the date of receipt/production of a copy of this order. In case, it is found that the petitioner has rendered the work as per direction and



allotment order and has completed the work as per specifications and then his bills are genuine, the Executive Engineer shall take a decision thereon within a maximum period of 90 days from the date of receipt/production of a copy of this order.

It goes without saying that the admitted claim of the petitioner shall be paid after aforesaid examination and verification within the prescribed period. In case, the Executive Engineer has any reason to deny the claim of the petitioner, the same shall be shown by passing a reasoned order within the same period. In case, the claim of the petitioner is refused by the Executive Engineer (respondent no.4), the petitioner will have a liberty to seek his remedy in accordance with law.

The writ application is disposed off.

(Rajeev Ranjan Prasad, J)

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