

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13997 of 2018

=====

Anil Kumar Singh Son of Sri Naresh Prasad Singh Resident of Village-
Sadpur, Post office Maheshadih, Police Station District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway, Bihar Highwayl Patna.
5. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
6. The Executive Engineer, National Highway Divison, Road Construction Division, Bhagalpur.,
7. The Assistant Engineer, Bhagalpur Division, Bhagalpur,.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14028 of 2018

=====

Anil Kumar Singh Son of Sri Naresh Prasad Singh, resident of Village-
Sadpur, Post Office Maheshadih, Police Station District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in- Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway, Bihar Highway, Patna.
5. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
6. The Executive Engineer, National Highway Division, Road Construction Division, Bhagalpur.
7. The Assistant Engineer, Bhagalpur Division, Bhagalpur.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14647 of 2018

=====



Kundan Kumar Singh, Son of Sri Mani Mohan Prasad Singh, Resident of
Mohalla- Babu Tola, Police Station District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Chief Engineer, National Highway, Bihar Highway, Patna.
5. The Superintending Engineer, Road Construction Department, East Bihar Circle, Bhagalpur.
6. The Executive Engineer, National Highway Division, Road Construction Division, Bhagalpur.
7. The Assistant Engineer, Bhagalpur Division, Bhagalpur.

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 13997 of 2018)

For the Petitioner/s : Mr.Rajib Ranjan Jha

For the Respondent/s : Mr.Raj Ballabh Pd. Yadav - AAG11

(In Civil Writ Jurisdiction Case No. 14028 of 2018)

For the Petitioner/s : Mr.Rajib Ranjan Jha

For the Respondent/s : Mr.Sushil Kumar -GP22

(In Civil Writ Jurisdiction Case No. 14647 of 2018)

For the Petitioner/s : Mr.Rajib Ranjan Jha

For the Respondent/s : Mr.Raj Ballabh Prasad Yadav -AAG11

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-05-2019 Counter affidavits in all these matters have been

filed during the course of arguments. A copy of such

affidavits have been handed over to the learned counsel for

the petitioner in the Court. Let it be taken on record.

All the aforesaid writ petitions have been heard

together and are being disposed off by this common order.

The petitioners, in all the writ petitions have prayed



for direction to the respondents to pay to them the amount which is due against the bills submitted by them for having completed the allotted work in time and which is being withheld from them on the sole ground of the work having been completed in emergency and even prior to the sanction of the amount for the works.

It may be noted here that on the eve of arrival of the Hon'ble the President of India at Bhagalpur and Banka districts on 26th and 27th of November, 2016 and also in the wake of *Nischay Yatra* of the Hon'ble Chief Minister of Bihar in January, 2017, an e-tender was floated on 12.11.2016 by the Executive Engineer, National Highways Division, Bhagalpur, inviting tenders for repairing of roads in four stretches, which tenders were given to the petitioners. The allotment order was made after following the due procedure. The work admittedly has been completed within the stipulated time. However, the trip of Hon'ble the President of India was postponed. Nonetheless, it has been urged on behalf of the petitioners, that their work was completed and no fault has been found with respect to the quality of work.



It may also be noted here that their offer was accepted because of being lesser than the BOQ amount.

Half of the amount of the bills have been paid and rest has been made contingent upon the sanction of such amount by the Ministry of Road Transport and Highways, Government of India.

Perused the counter affidavit.

There is no dispute with respect to the aforesaid statements made on behalf of the petitioners that the work was completed in time. The payment has only been made *pro rata* with respect to the works out of the sanctioned amount of eighty *lakhs* and odd. For payment of rest of the bills, it has been submitted on behalf of the State that relevant communication has been made by the Chief Engineer, National Highways Division, Bihar, Patna to the Ministry of Road Transport and Highways, Government of India.

The sanction order is awaited.

It is expected that a reminder letter shall be issued by the Chief Engineer, National Highways Division, Regional



Centre, Patna for obtaining necessary sanction. The petitioners are also directed to make a representation before the Chief Engineer, National Highways Division, Regional Office, Patna, who, on receipt of such representation and after receiving the sanction of the amount, shall see to it that the petitioners are paid for the work done by them. It is expected that the whole process of seeking sanction and payments shall be completed within a reasonable period of time, preferably within a period of six months.

With the aforesaid observation / direction, the writ petitions stand disposed off.

(Ashutosh Kumar, J)

skm/-

U			
---	--	--	--

