

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22351 of 2018

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Amit Kumar Sah, Son of Rajendra Prasad Sah, Resident of
Village+Post+Police Station- Barahat, 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

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Appearance :

For the Petitioner/s : Mr. Rajib Ranjan Jha, Advocate
For the Respondent/s : Mr. Manoj Kr. Ambastha- SC 26

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-05-2019

Heard the learned counsel for the parties.

2. The petitioner has approached this Court for a direction to the respondents to pay him the dues amount with interest thereupon which he has incurred in completing the allotted work within time and with no complaint with respect to the quality of work.

3. It appears that an agreement was entered into between the petitioner and the respondents for repair of roads which was undertaken for the arrival of the Hon'ble President of India. The measurement of the work done has



been properly maintained. The quality of the work has not been questioned. The petitioner has also been paid some amount against his bill, but rest of the amount has been withheld on the sole ground that the work was completed prior to the sanction order and lesser amount was sanctioned.

4. Learned counsel for the State on the other hand has submitted that the National Highway Regional Division has been corresponding with the Ministry of Road and Transport, Union of India for sanction of the amount for payment of the bills of the contractors including the petitioner. It is expected that the Principal Secretary, Road Construction Department, Government of Bihar, Patna shall liaise with the Central Division of the National Highway Authority as well as the Ministry of Road and Transport for obtaining the required sanction for making payment to the petitioner. It cannot be countenanced under any circumstance that the rightful dues of the petitioner shall not be paid to him on the ground of insufficiency of funds.

5. The petitioner under the aforesaid circumstances is directed to make a representation before the Principal Secretary, Road Construction Department, Government of Bihar, Patna (respondent no. 2) within a period of six weeks from today, who shall intimate to him



about the correspondence/efforts of the National Highway Authority Regional Centre for obtaining sanction for the purposes of payment of the dues amount.

6. Needless to say that if the sanction is obtained, fund should immediately be released for making good the dues amount of the petitioner within a reasonable period of time.

7. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	

