

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No.461 of 2020

Maa Bhagwati Construction A Partnership Firm, Through Its Partner Parul Rai S/o Shri Rajesh Kumar Rai, Aged About 34 Years, R/o Flat No. 107, First Floor, Vaishali Pride, Minocha Colony, Bilaspur, District Bilaspur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Principal Secretary, Public Works Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Naya Raipur Chhattisgarh.
2. Engineer-In-Chief, Public Works Department, Nirman Bhawan, North Block, Sector-19, Atal Nagar, Naya Raipur Chhattisgarh.
3. Chief Engineer, Public Works Department, Raipur Zone, Raipur Chhattisgarh.
4. Superintending Engineer, Public Works Department, Circle No. 1, Raipur Chhattisgarh.
5. Executive Engineer Public Works Department, Raipur Division No. 2, Medical College Parisar, Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri Anand Dadariya, Advocate.
For State	:	Shri Ayaz Naved, Govt. Advocate for the State.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03.02.2020

1. The limited relief sought for by the petitioner in the present writ petition is for an appropriate direction to the respondents to consider his claim in respect of incentive bonus along with interest and penal interest from the date it became due till its actual payment.
2. The counsel for the petitioner submits that so far as respondent No.4 is concerned, he has already instructed the respondent No.5 to consider the claim of the petitioner in accordance with the agreement entered into between the parties and payment be made. According to the agreement itself, there is a specific clause, i.e. clause-5.3, for payment of incentive

bonus on the completion of work before schedule. The matter stands pending before the respondents No.4&5.

3. Given the aforesaid facts and circumstances of the case and also considering the fact that the claim of the petitioner, as per his own pleadings, is for releasing of his dues in accordance with terms of the agreement entered into between the parties, the writ petition at this juncture can be disposed of directing the respondents No.3 to 5 to take appropriate steps on the claim of the petitioner so far as grant of incentive bonus and interest is concerned in terms of the agreement entered into between the parties. Let an appropriate decision be taken at the earliest preferably within a period of 90 days from the date of receipt of copy of this order, subject to verification of facts.
4. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder