

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9820 of 2020

1. Deenbandhu Choudhary, S/O- Sri Chandrabhushan Choudhary, R/O- At DighwariyaTola, P.O. and P.S.- Rivilganj, District- Saran.
2. Santosh Kumar Singh, S/O- Sri Bachcha Singh, R/O- At Nayaka Bada ka Baiju Tola, P.O. and P.S.- Rivilganj, District- Saran.

... .. Petitioners

Versus

1. State of Bihar through the Principle Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
2. The Director, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Deputy Development Commissioner, Saran at Chapra.
4. The Chief Vigilance Officer-Cum- Vigilance Commissioner, Baily Road, Patna.
5. The Commissioner Income Tax Department, Muzaffarpur.
6. The Regional Provident Fund Commissioner, Employees Provident Fund Organization, Bihar, Patna.
7. The Sasakat Samati (Empowered Committee) through Chief Counselor, Nagar Panchayat/ Parishad, Rivilganj, Saran.
8. The Executive Officer, Nagar Panchayat/ Parishad, Rivilganj, Saran.
9. The Director, CBS Facilities Management Pvt. Ltd. At and P.O.- Bangra, P.S.- Daudpur, Dist.- Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Advocate
For the Respondent/s : Mr. Subhash Prasad Singh, G.A.-3

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-01-2021

Petitioner has prayed for the following relief(s):

“1(i) The respondent no.4 or any other



authority/agency may kindly be directed to make enquiry with regard to the functioning of Nagar Panchayat, Rivilganj for the year 2018-19 and 2019-20 toward the sanitation work done through an independent agency namely CBS Facilities Management Pvt. Ltd. Coupled with other matters so required.

(ii) The same respondent/ Agency may kindly be directed to also enquire the involvement/selection of respondent no.9 for the work in question upon making huge relaxation towards the terms and conditions so made during the E-tendering as mandatory one.

(iii) The answering respondents may kindly be directed to also make enquiry towards syphoning of public money made through the respondents no.9 as prior to 2018-19 the same set of work has been done on 5-6 times lower prices properly.

(iv) The answering respondent may kindly be directed to take required punitive/corrective major in view of the outcome so made available upon the enquiry report so prayed inter-alia.

(v) The answering respondent further may kindly be directed to enquire the matter with regard to the deduction/deposition made towards the Employees Provident Fund by the respondent no.9 or other officials owing to the workers/employees so engaged in the meantime.



(vi) The respondent no.4 or any other independent Authority or Agency may kindly be directed to enquire, as to how the entire work in question has been taken by only one worker/employee (showing list of 21-26 employees belongs to different places) and no photography etc. have been done as per the requirement of the agreement involved inter-alia.

(vii) The answering respondent also may kindly be directed to examine that under what condition as per the respondent no.9 shown Rs. 4 crore shown in its Audit Report whereas the income tax so paid found nil apart from the other aspects.

(viii) Any other relief or reliefs also may kindly be allowed for which the petitioners be found entitle in the opinion of this Hon'ble Court.”

After the matter was heard for some time, learned counsel for the petitioners submits that petitioners shall be content if a direction is issued to the concerned respondent(s) to consider and decide the representation which the petitioners shall be filing for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioners within a period of four weeks, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of



eight weeks from the date of its filing along with a copy of this order.

Equally, liberty is reserved to the petitioners to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioners take recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioners to approach the Court, if the need so rises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid



terms.

Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(Rajeev Ranjan Prasad, J)

Amrendra/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	05.01.2021
Transmission Date	

