

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10292 of 2020

=====

Ashutosh Kumar son of Krishna Kumar Singh resident of Kamal Nagar Colony, P.O. Mirzan Hatt, P.S. Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Engineer-in- Chief-cum- Additional Secretary-cum- Special Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Chief Engineer-II, Rural Works Department, Government of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Work Circle, Bhagalpur.
6. The Executive Engineer, Rural Works Department, Works Division, Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar Manglam, Advocate
For the Respondent/s : Mrs. Archana Meenakshee, G.P. 6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 15-11-2021 Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of differential amount of contract for which the writ petitioner became entitled in view of the revised estimate of the work sanctioned by the Respondent no. 5 vide his letter no. 1332 dated 13.07.2016 on account



of change of lead from Shahkund Mines to some other mines at a distant place.

(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities for payment of the aforesaid differential amount with interest at the market rate on the ground that despite sanction of revised estimate by the competent authority, the Respondents have paid the amount of contract to the petitioner on unrevised rate and they have illegally retained the differential amount for last about seven years.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the petitioner would be found entitled under the facts and circumstances of the case.”

After the matter was heard for some time, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies as are otherwise permissible and admissible in accordance with law as also represent to the appropriate authority, venting out the grievances, subject-matter of the present petition.

Prayer allowed. Liberty, as prayed for, is granted.

Without expressing any opinion on merits, leaving all questions of fact and law open, the present application is



disposed of as withdrawn with the liberty aforesaid.

We expect that the appropriate authority shall consider and decide the petitioner's application/request expeditiously and preferably within a period of six months from the date of its presentation.

While considering such representation, the period for which the petitioner has been pursuing the present petition shall not be counted for the purposes of limitation.

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

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/DKS/-

U			
---	--	--	--

