

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7849 of 2021

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Rajiv Kumar, Son of Surendra Prasad Singh, Resident of New Purendrapur,
Shiv Mandir Road, near Do Pulwa, Police Station - Jakkanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Building Construction Department, Government of Bihar, Visheshwaraiya Bhawan, Bailey Road, Patna
2. The Superintending Engineer South Bihar Circle, Building Construction Department, Patna
3. The Executive Engineer Central Division, Building Construction Department, Patna
4. The Assistant Engineer-cum-Sub Divisional Officer, Secretariat Sub Division, Building Construction Department, Patna
5. The Junior Engineer, Old Secretariat Section, Secretariat Sub Division, Building Construction Department, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Advocate
For the Respondent/s : Mr.Manoj Kumar Ambastha, SC-26

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 28-02-2022 Heard learned counsel for the parties.

The petitioner has filed this writ application seeking a direction to the respondents to pay to him a sum of Rs. 3,08,000/- with interest against the work executed by him in February 2018 vide agreement No. 71 H2 of the financial year 2017-18 with the Building Construction Department, Government of Bihar.



A counter affidavit has been filed on behalf of the State of Bihar in which the petitioner's claim has not been disputed. The statement made in paragraph-12 of the counter affidavit is relevant, which is being reproduced hereinbelow :-

“12. That it is humbly submitted that the answering respondent has made an online requisition of fund from the authorities concerned on dated 17.02.2022 and as soon as the funds are allotted in this respect the payment of the dues of the petitioner shall accordingly be made. The petitioner's claim with regard to interest is not maintainable.”

Admittedly thus, the respondents State of Bihar has failed to pay to the petitioner, the admitted dues because of non-availability of fund which has been requisitioned.

In the facts and circumstances of the case, particularly in view of the statement made in the counter affidavit, we dispose of this writ petition with a direction to the Executive Engineer, Central Division, Building Construction Department (Respondent No. 3) to ensure that the admitted dues of the petitioner is paid within four



weeks from today, failing which the amount shall earn
interest @ 12% thereafter.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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