

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5740 of 2022

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Md. Majhar Ali @ Md. Majhar Son of Md. Mansoor Ali @ Md. Mahsoor
Resident of Village- Tarchha, Near Masted, P.S.- Tarchha, P.S.- Gauradih,
District- Bhagalpur, 813105.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Minor, Water Resources Department, Patna.
3. The Engineer-in-Chief, Minor, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Minor Water Resources Department, Bhagalpur.
5. The Superintending Engineer, Minor Water Resources Department, Work Circle, Bhagalpur.
6. The Executive Engineer, Minor, Irrigation Circle Division, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar
For the Respondent/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 13-05-2022 The matter has been heard *via* video conferencing.

The present writ petition has been filed for directing the respondents to release the admitted outstanding dues for the contract work done pertaining to renovation of old state tube well.

This Court had earlier sought for personal appearance of the Principal Secretary, Building Construction Department, Government of Bihar, Patna, in a writ petition bearing CWJC



No. 16088 of 2021 and a statement was recorded on 9.3.2022. Certain observations were made by this Court. It was also observed that this Court expects all the departments to follow the same pattern as regards payment of admitted dues. Relevant paragraphs of the said order dated 9th of March, 2022, is reproduced below:-

“We have a bunch of cases where same question is involved regarding harassment caused to the common citizen in making timely payment despite the dues being admitted by the Department.

Mr. Kumar Ravi, Secretary, Building Construction Department, Government of Bihar, Patna is present today before us. He has assured the Court that necessary instructions shall be issued for making it mandatory that admitted dues are paid as soon as it became due, in any case, not later than one month or within the statutory period provided for in the Contract. In case, there is an inordinate delay, the action of the Officer shall be departmentally inquired into, if necessary with the help of the Vigilance Department. In those cases, where the Court imposes interest for delayed payment beyond a particular period, the same shall be deducted from the salary of the Officials responsible for delay. He, however, assures that a copy of this order shall be handed over to the Chief Secretary, Government of Bihar, Patna. We expect that the same pattern shall be followed in other departments as well.

Personal appearance of Mr. Kumar Ravi, Secretary, Building Construction Department, Government of Bihar, Patna is exempted for the next date of hearing.”

In light of the aforesaid order dated 9.3.2022 passed



in CWJC No. 16088 of 2021, the present writ petition is also disposed off in similar terms with a direction that the Respondents shall forthwith make payment of the admitted outstanding dues to be paid to the petitioner, in any case not later than four weeks from today. It is further directed that in case, any claim of the petitioner is disputed or does not find favour with the Respondent authorities, a reasoned order shall be passed within the same time frame and duly communicated to the petitioner.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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