

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8804 of 2022

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M/s Pintu Construction through its Working Partner Mr. Devendra Singh Aged about 64 years (Male), Son of Late Ram Lakhani Singh, Resident of Mohalla- Rahmat Ganj, Masaurhi, P.O. and P.S.- Masaurhi, District- Patna, Pin- 804452.

... .. Petitioner/s

Versus

1. The Union of India through the General Manager East Central Railways, Hajipur.
2. The F.A. and Chief Administration Officer/ Construction East Central Railway, Hajipur.
3. The Divisional Railway Manager (In short D.R.M.) East Central Railway, Danapur.
4. The Chief Engineer East Central Railway, Hajipur.
5. The Sr. Divisional Engineer-1 East Central Railway, Danapur.
6. The Sr. Section Engineer (Work) East Central Railway, Jehanabad.
7. The Assistant Divisional Engineer (Line) East Central Railway, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Sahay, Advocate

For the Respondent/s : Dr. K.N. Singh, Additional Solicitor General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 29-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (I) For commanding and directing the concerned respondent to pay 5th and final bill amount i.e. Rs.14,79,209.82 (Rupees Fourteen Lakhs Seventy Nine Thousand Two Hundred Nine and Eighty Two Paise Only) in favour of the petitioner, because after taking works from him the said bill amount is still**

pending for payment to the petitioner since 25.05.2021.

- (II) **For further** directing the concerned respondents to pay interest @ 18% per annum over aforesaid bill amount from 25.05.2021 and till the date of realization of said bill amount.
- (III) **For further** passing such an Order or Orders for which the petitioner is entitled under the law in the facts and circumstances of this case.

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the authority concerned **i.e. respondent no. 3, The Divisional Railway Manager (In short D.R.M.) East Central Railway, Danapur** or any of the statutory authority to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority

concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

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

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes

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;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) 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, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	