

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15206 of 2021

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Nandan Sah, Son of Late Jagdish Sah, Resident of Village- Mahua, Police Station- Sonbarsa, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Panchayati Raj, Government of Bihar, Patna.
2. The Director Panchayati Raj, Government of Bihar, Patna.
3. The District Magistrate Saharsa.
4. The Deputy Development Commissioner-cum- Chief Executive Officer Zila Parishad, Saharsa.
5. The Block Development Officer Mahishi, District- Saharsa.
6. The Assistant Engineer Local Area Engineering Organization, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Arun Kumar, Advocate
For the Respondent/s	:	Mr.P.N. Shahi, AAG-6
		Mr. Sanjeet Kr. Singh, AC to AAG-6

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 25-08-2022

The petitioner has prayed for the following relief/s :-

That the petitioner has filed the present writ application for issuance of appropriate order/orders, direction/directions, writ/writs in the nature of



mandamus commanding and directing upon the Respondents concerned to pay the admitted dues payable to the petitioner of Rs. 1,88,046/- (Rs. One Lacs Eighty Eight Thousand Forty only) with interest as petitioner being Government employee as Panchayat Sevak of Mahishi Block under District Saharsa was appointed as Executing Agent of Yojna No. 08 of 2015-16 under 13th Finance Commission after getting approved by the Respondent Block Development Officer, Mahishi and petitioner has completed the scheme within time and after measurement done and approved by Respondent Assistant Engineer (Respondent No. 6) and after deducting the advance money given to the petitioner as well as standard deduction payable amount to the petitioner Rs. 1,88,046/- which could not be paid in absence of allotment for which Respondent Block Development Officer made request from



Respondent Deputy Development Commissioner, Saharsa and in response to that Respondent Deputy Development Commissioner vide Letter No. 554-2 dated 26.10.2019 apprised to the Respondent State with opinion hat fund available under 5th State Finance Commission the payable dues to the executing Agent be paid with approval of the Respondent State despite that till date valid claim of the petitioner has not been paid arbitrarily causing much financial constraint to the petitioner as he has superannuated from service in 2020 itself. Any other order/orders for granting any other relief/reliefs for which the petitioner is found entitled to in 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 petition 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 three months from the date of its presentation.

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)

(Satyavrat Verma, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	26.08.2022
Transmission Date	

