

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20677 of 2019

Vinod Kumar Singh S/o Late Maheshwar Prasad Singh Vill.- Basudeopur
Chandel, P.s.- Mahnar, Distt.- vaishali

... .. Petitioner/s

Versus

1. The Project Manager Bihar Medical Service, Infrastructure Corporation Limited, Shashtri Nagar, Patna-23
2. The Chief General Manager Bihar Medical Service and Infrastructure Corporation Limited (BMSICL), Shashtri Nagar, Patna-23
3. The Civil Surgeon-cum-Member Secretary District Health Society, Vaishali, Hajipur
4. The District Programme Manager District Health Society, Vaishali, Hajipur
5. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Md. Anisur Rahman, Advocate
For the Respondent/s	:	Mr. Nagendra Prasad Yadav, SC-23
		Mr. Vikash Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-12-2022

Heard learned counsel for the parties.

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

1. (A) For issuance of appropriate writ/order or direction quashing the order issued under Memo no. BMSIC/80020/18-2014-2758 dated 17.9.2018 by the Chief General Manager (Pari) BMSICL Patna by which the representation dated 03.08.2018 filed by the petitioner in the light of the order dated 15.5.2018 passed in CWJC No. 13558/2017 for payment of a sum Rs. 4,95,291/00 to the petitioner, has been rejected as contained in Annexure-17 to this writ application.



(B) For issuance of appropriate writ / order or direction commanding the respondents to make payment of Rs. 4,95,000/00 as the dues amount from the bill submitted by the petitioner on completion of DPM – Cum residence in Sadar Hospital, Hajipur and the respondents have deducted 10 % as delayed cost.

(C) For issuance of appropriate writ/ order or direction commanding the respondent to make payment of the amount interest @ 18% of the petitioner has sustained a heavy loss due to delayed payment on the part of the respondents.

(D) For any other relief /reliefs for which the petitioner is found in entitled in the opinion of this Hon'ble court.

After the matter was heard for some time, finding the Court not to be in favour of the submissions made across the Bar, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition reserving liberty to take recourse to such other remedies, as are otherwise available, in accordance with law.

Permission granted.

We are sure that as and when any such proceedings are initiated, before the appropriate forum/Tribunal, the same shall be considered and decided expeditiously, in accordance with law.

Needless to add, period for which the petitioner has



been pursuing the matter before this Court, shall be excluded for the purpose of computing limitation.

It is made clear that we have not expressed any opinion on merits. All issues are left open.

The petition stands disposed of as withdrawn with the liberty aforesaid.

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
Uploading Date	13.12.2022
Transmission Date	

