

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21655 of 2019

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R. K. Enterprises through its Proprietor Raj Kumar son of Shri Rajendra Prasad Singh, Male, aged about 43 years, Resident of Singh Bhawan near HRDT, Public School, Shivpuri, P.S.- Shastri Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Public Health Engineering, Govt. of Bihar, Patna
3. The Engineer-in-chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
4. The Chief Engineer, Public Health Engineering Department, Patna Range, Patna
5. The Superintending Engineer, Public Health Engineering, Sasaram Circle, Sasaram
6. The Executive Engineer, Public Health Division, Sasaram
7. The Assistant Engineer, Public Health Division, Dehripon-Sone

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bishnu Kant Dubey, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 15-12-2022

Petitioner has prayed for following relief (s) : -

“1. For issuance of a writ in the nature of certiorari to quash the letter containing Memo No. 392 dated 28-03-2019 issued under the signature of Superintending Engineer, Public Health Engineering, Sasaram Circle, Sasaram whereby in so called compliance of the order of this Hon'ble Court passed in CWJC No. 1089/19 the claim of the petitioner for payment of dues amount has been rejected and order has been passed for recovery of excess paid amount



Rs. 10,18,431/- and direction has been made to the petitioner to complete the uncompleted work of 15 places /sites and get adjustment of excess payment and if any additional amount is payable to take payment otherwise for recovery of excess payment and not completing the scheme necessary lawful action shall be taken as also to quash the office order no. 17 containing Memo No. 1128 dated 01-06-2019 whereby the order has been passed by Executive Engineer, Public Health Division, Sasaram from the security and time extension amount adjustment has been made amounting Rs. 10,18,431/- and remaining amount of the security amount Rs. 7,68,386/- has been ordered to be recovered from the excess payment amount Rs. 10,86,147/- as directed by the Superintending Engineer vide Annexure-20 and it has been ordered that remaining amount Rs. 3,18,761/- shall be adjusted/ recovered from other works of the petitioner being executed in another Division and for issuance of a consequential writ in the nature of mandamus directing and commanding the respondents particularly respondent Executive Engineer to not recover any amount from any of the bills of the petitioner against the works executed by the petitioner in the Division and make payment of Rs. 12,80,353/- as also security amount Rs. 67,000/- along with statutory and penal interest for unnecessarily harassing the petitioner since more than 8 years as also by not adjusting the amount Rs. 10,18,431/- from the security amount of the petitioner and make payment of Rs. 17,85,817/- which is the amount of security and time extension amount and/or for issuance of a writ/order/direction for which the petitioner may be found legally entitled to under the facts and circumstances stated herein under.”

In view of the fact that Bihar Public Works Dispute Arbitration Tribunal is now functional, learned counsel for the petitioner, under instructions, seeks permission to withdraw the present petition with liberty to take recourse to such other appropriate remedies, as are otherwise available, in accordance



with law.

Permission granted.

As and when any such request is made by the petitioner before the Tribunal, the same shall be considered and decided expeditiously.

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

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

(Sanjay Karol, CJ)

(Partha Sarthy, J)

chn/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.12.2022
Transmission Date	

