

ML- 16.08.2022  
321 Ct.15  
rkd

W.P.A. 7925 of 2020  
(IA NO: CAN 1 of 2021)

**Pradip Mitra**  
-vs-  
**Union of India & Ors.**

Mr. Dipendra Nath Bose,  
Ms. Kakali Dutta,  
Mr. Saykat Kundu

....for the petitioner.

Mr. Asok Bhowmik

....for the respondent.

By making an agreement on 20<sup>th</sup> November, 2017 petitioner was allowed by the concerned authority of Eastern Railway to commence work for painting rails and ERC Greasing.

Ms. Dutta, learned advocate representing the petitioner has submitted that based on such agreement which is at page 18 of the writ petition petitioner commenced work. However, the entire work was not completed by the petitioner and based on the work carried out by the petitioner payments were made in favour of the petitioner.

According to the petitioner in consideration of the work carried out by the petitioner pursuant to the agreement dated 20<sup>th</sup> November, 2017 further amount is required to be paid by the concerned authority of Eastern Railways, Asansol Division. Petitioner made several representations and demand of justice which could not yield any

result which triggered the present writ petition.

During pendency of this writ petition one letter has been issued on 6<sup>th</sup> August, 2021 by the Deputy Chief Engineer (Land) of Eastern Railway addressed to the petitioner for finalization of payments, if any required to be made based on statements to be submitted by the petitioner. Such letter dated 6<sup>th</sup> August, 2021 is taken on record.

It has been submitted today on behalf of the petitioner that petitioner is willing to give reply to this letter dated 6<sup>th</sup> August, 2021 for finalization and settlement of the claim.

Mr. Bhowmick, learned advocate representing the Eastern Railways has filed affidavit-in-opposition which is taken on record. It has been submitted on behalf of the Eastern Railway that whatever is required to be paid considering the work done by the petitioner, same has been released and nothing remains outstanding.

Considering the submissions made on behalf of the parties and in view of the letter dated 6<sup>th</sup> August, 2021 issued by the Deputy Chief Engineer (Land) of Eastern Railway, this Court grants liberty to the petitioner to give reply to this letter dated 6<sup>th</sup> August, 2021 to the concerned

authority of Eastern Railway, Asansol Division within a period of fifteen days from this date justifying his claim based on work carried out by the petitioner. If the petitioner submits such claim in reply to the letter dated 6<sup>th</sup> August, 2021 within the aforesaid time the concerned authority of Eastern Railway, Asansol Division is directed to take decision on the claim of the petitioner within eight weeks thereafter and communicate the same to the petitioner within one week from the date of taking such decision.

With the aforesaid direction, the writ petition stands disposed of.

Application, if pending, also stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**