

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3428 of 2023

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Vinod Kumar Son of Ramesh Prasad Singh resident of Village, P.O. and P.S.-
Daniawan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Patna.
3. The Director, Rural Development Department, Govt. of Bihar, Patna.
4. The District Magistrate cum- District Program Coordinator, MNREGA, Patna.
5. The Deputy Development Commissioner (DDC) Cum Additional District Program Coordinator, MNREGA, Patna, Bihar.
6. The Program Officer Daniyawan, Block- Daniyawan, District- Patna.
7. The Panchayat Rozgar Sevak Daniyawan, Block- Daniyawan, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Singh
For the Respondent/s : Mr. Anjani Kumar (Aag 4)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

10 12-12-2023 Heard the learned counsels for the parties.

The present writ petition has been filed for the
following relief(s):-

“(i) To direct the respondents to take a decision for payments of remaining due amount of the petitioner with respect to the building materials supplied against the MNREGA e- SHAKTI in different schemes for the year 2013-14, 2014-15 of Block, Daniyawn Panchayat- Machhariyawan, Bankipur District- Patna.

(ii) To direct the respondents to hold an enquiry in detail with respect to the work done and the



mode of payments opted by the concerned authority and admitted dues amount of the petitioner has not been paid against for supplied materials i.e Bricks, Sand, Labour, Cement, etc

(iii) To direct the respondents to bring on the record the entire documents, C.D, Video-graph, Photographs, etc with respect to the work completed in the different scheme in which materials supplied by the petitioner and the total payments made against the sanctioned amount and the reason for non payments of the remaining due amounts.

(iv) To direct the respondent authority to make a payment of due amount of Rs, 45,44,544.00 to the petitioner against the material supplied in scheme no. 17/2013-14, 18/2013- 14, 19/2013-14, 20/2013-14, 21/2013-14, 22/2013-14, 8/2014-15, 13/2014-15, 15/2014-15, 16/2014-15 and 17/2014-15

(v) For grant of any other incidental and consequential relief/reliefs for which the petitioner may be found entitled there too.”

3. Learned counsel for the petitioner has stated that even though the petitioner has submitted the bills way back in the year 2017, the amounts payable to the petitioner have not been made till date. That the petitioner has supplied the required material to the authorities concerned (Respondent No. 4) from 2013 till 2017-2018 but till date the amounts due to the petitioner are not paid. Learned counsel has stated that the petitioner is a small business person and due to the non-payment of the amounts, the petitioner is facing financial difficulties. Learned counsel has therefore, prayed this Hon'ble Court to



allow the present writ petition.

4. In the counter-affidavit filed by the respondents, the fact that the amounts due to the petitioner have not been paid to the petitioner has not been denied. In the counter-affidavit, the authorities have taken a stand that they have written letters to the concerned Programme Officer for making the payments due to the petitioner and other vendors. Further, it is stated that repeatedly the authorities have been issuing letters to the concerned Programme Officer for taking the necessary steps to make the payments related with E-Shakti programme. Except writing the letters, the authorities have not taken any other step to make the payment due to the petitioner. Moreover, it is stated that the authorities have taken disciplinary action against the persons who are responsible for the carelessness and also dereliction of duty in making the payments to the petitioner and other vendors. Though, it is stated in the counter-affidavit that as against the disciplinary action taken against one of the Programme Officers, he had preferred an appeal and the said appeal was dismissed, nothing has been stated in the counter-affidavit as to the timeline under which the amounts due to the petitioner shall be paid.

5. Having regard to the fact that the authorities



themselves have admitted that the amounts due to the petitioner are to be paid and also the letter dated 01.07.2022 issued by the authorities concerned wherein it is clearly admitted that an amount of Rs. 41,39,000/- (Forty One Lakh Thirty Nine Thousand) Daniyawan Block is yet to be paid to the vendors i.e. the petitioner herein. This Court deems it fit to allow the present writ petition.

6. Having regard to the above, the present writ petition is allowed with the direction to the concerned authorities (Respondent No. 4) to pay the admitted dues to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. In case the amounts due to the petitioner are not paid within the stipulated time, the authorities are liable to pay the interest at the rate of 6% from the date of submitting the bills till the date of realization.

7. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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