

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16995 of 2019

=====

M/s Star Construction At Balua Tal, Motihari, through Parvej Ahmad Khan,
Aged about 47 years, Gender Male, Son of Haseen Ahmad Khan, Resident of
Balua Tal, P.o. and P.s. and Distt.- Motihari

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department,
Govt. of Bihar, Patna
2. The Engineer-in-Chief RWD, Bihar, Patna
3. The Chief Engineer-3 RWD, Bihar, Patna
4. The Superintending Engineer Rural Works Department, Works Circle,
Motihari
5. The Executive Engineer Rural Works Department, Works Division,
Pakaridayal, District- East Champaran, Motihari
6. The Assistant Engineer Rural Works Department, Works Sub Division,
Pakaridayal, District- East Champaran, Motihari
7. The Junior Engineer Rural Works Department, Works Sub Division,
Tetariya, District- East Champaran
8. The Executive Engineer PWD, Works Division Motihari, District- East
Champaran
9. The Assistant Engineer Quality Control Unit, Road Division (P.W.D.),
Motihari

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate
For the Respondent/s : Mr.Kumar Alok (Sc7)

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-02-2023

In the instant petition, petitioner has prayed for the
following reliefs:-

*“ i) For setting aside the order dated
03.05.2019, passed by Chief Engineer-3, Patna
as contained in Memo No. 3153 dated
03.05.2019, whereby the application of the*



petitioner dated 05.09.2019, has been rejected without appreciating the judgment dated 25.07.2016, passed by Learned Works Contract Arbitration Tribunal, Bihar, Patna in reference case no. 126/2015.

ii) The petitioner further prays for issuance of direction to the respondent authority to allow the petitioner to complete the work relating to Agreement No. 03(SBD)/2013-14, executed between the petitioner and the Executive Engineer, RWD, Work Division, Pakridayal, District-East Champaran, Motihari.

Iii) The petitioner further prays to the respondent authority to prepare the MB of the entire work executed by the petitioner as per the SBD Rules, and pay the entire dues of the petitioner.

iv) For any other relief for which the petitioner may be deemed entitled to.”

2. Arbitration Tribunal passed order in favour of the petitioner in reference case no. 126 of 2015 and it was not complied and in the result petitioner had filed writ petition no. 23120 of 2018 in which there was a direction.

3. In this backdrop, Chief Engineer-3 passed an order on 03.05.2019 *vide* memo no. 3153. Feeling aggrieved by the order dated 03.05.2019 passed by the Chief Engineer-3 the present petition is presented.

4. It is to be noted that in fact CWJC No. 23120 of 2018 itself was not maintainable, for the reasons that petitioner had statutory remedy before the Civil Court. Even though there is a direction and it has not been implemented in that event petitioner



had remedy of filing MJC (contempt) and not in filing yet another writ petition.

5. It is made clear that order dated 03.05.2019 passed by the Chief Engineer-3 would not come in the way of invoking remedy before Civil Court. With the above observation, the present writ petition stands disposed of.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.03.2023
Transmission Date	NA

