

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15349 of 2022

Chanchla Devi Wife of Ram Nandan Singh, resident of Jhari House Karma Road, P.S. Town Aurangabad, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Nodel Officer (CFMS) Department of Finance, Government of Bihar, Patna.
5. The Engineer in Chief, Rural Works Department, Government of Bihar, Patna.
6. The Senior Treasury Officer, District Aurangabad, Bihar.
7. The Executive Engineer, Rural Works Department, Works Division, Aurangabad, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhat Ranjan, Advocate
Mr.Chandan Kumar, Advocate
For the Respondent/s : Mr.A. Karim, AC to GP-10

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 27-02-2023 In the instant petition, petitioner has prayed for the following reliefs:-

“(i) Commanding upon the respondents to refund the amount of Security deposit, Royalty, Labour Cess etc. Which has been withheld since 2017 - 2018 in connection with the work executed by the petitioner on account of the incorrect credit



of the deduction in an appropriate Head No. 3054 – 04 – 105 – 0001 – 27 – 02 which is not a proper head;

(ii) Direction upon the Respondents to transfer the amount deducted from the Running Account Bills of the petitioner under the Heads of Security deposit, Royalty, Labour Cess etc. from Head No. 3054 – 04- 105 – 0001 – 27 – 02 to the proper head under CFMS; and/or

(iii) Direction upon the Finance Department to take appropriate action in a time bound manner on the request/ letter issued by the Senior Treasury Officer, Aurangabad vide Memo No. 205 dated 02.06.2022 (Annexure 4) and Letter No. 282 dated 11.06.2022 (Annexure 5) and Letter No. 1348 dated 07.07.2022 (Annexure 6) by which, appropriate guidelines have been sought for and allotment have been asked for refunding the amount deducted from the Bills of the petitioner and lying with the works department since 2017 – 18.”

Respondents have filed a counter affidavit on behalf of the Rural Works Department, Government of Bihar, in which they fairly admitted their liability at Para 15 and 16. Therefore, except physical payment nothing remains in the present *lis*, in the result the concerned respondent no. 3 – The Principal Secretary, Rural Works Department, Government of Bihar, Patna is hereby directed to make arrangements for payment of dues of the petitioner who is a legal heir of the deceased contractor - Late Ram Nandan Singh within a period of six



months from today, failing which the petitioner is entitled to litigation cost and it is quantified at Rs. 50,000/- (Rupees Fifty Thousand Only).

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

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