

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.182 of 2023

In

Civil Writ Jurisdiction Case No.8726 of 2022

Khagaul Labour Co-operative Society Limited represented through its President Mr. Manoj Kumar Ambastha, aged about 52 years, S/o Rajendra Prasad, Resident of Mohalla- Opp. Durga Colony Khagaul Road, P.O.- and P.S.- Khagaul, District- Patna (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Railway Board, Rail Bhawan, New Delhi.
2. Mr. Anupam Sharma, The General Manager, East Central Railway, Dighi, Hajipur, District- Vaishali.
3. Mr. Shiv Kumar Prasad, The Principal Chief Commercial Manager, East Central Railway, Hajipur.
4. Mr. Madhukar Sinha, The Principal Financial Advisor, East Central Railway, Hajipur.
5. Mr. Prabhat Kumar, The Divisional Railway Manager, East Central Railway, Danapur.
6. Mr. Saraswati Chandra, The Sr. Divisional Commercial Manager, East Central Railway, Danapur.
7. Mr. Uday Kumar, Sr. Divisional Finance Manager, East Central Railway, Danapur.
8. Mr. Praveen Kumar, The Divisional Commercial Manager, East Central Railway, Danapur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Shukla, Advocate
Mr. Ramakant Shamra, Sr. Advocate
Mr. Ritu Raj Shukla, Advocate
Mr. Manish Jha, Advocate
For the Opposite Party/s : Mr.Krishna Nandan Singh, Sr. Advocate(ASGI)
Mr. Rakesh Kumar Sinha, CGC
Mr. Shivaditya Dhari Sinha, AC to ASG

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL ORDER

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

6 07-05-2024

The present MJC is filed for non-compliance of the



order dated 29.07.2022 passed in CWJC No. 8726 of 2022. There were certain contracts among the petitioner and Respondent-Railways. The petitioner society was aggrieved by the inaction of the Respondent insofar as non-execution of the contract agreement and various clauses including certain payments. In this regard, petitioner has approached this Court in filing CWJC No. 8726 of 2022. This Court has only asked the petitioner to submit representation within four weeks from 29.07.2022 and petitioner had submitted representation on 08.08.2022. The representation was required to be considered by the Respondent-Railway within a period of four months from the date of receipt of petitioner's representation after due opportunity of hearing. The Petitioner had submitted representation on 08.08.2022. The same has been disposed of on 22.11.2022 Annexure R/1 taking note of these factual aspects of the matter, there is compliance to the orders of this Court. The petitioner is at liberty to assail the order dated 22.11.2022 in accordance with law. It is to be noted that if there are any disputed issues in respect of execution of contract, in that event, in terms of the clauses imposed in the contract was to be executed in the manner known to the law. The respective parties were required to invoke appropriate remedy. In the present case,



writ petition itself was not maintainable in view of the fact that there were certain contract/agreement entered among the petitioner and the Respondent. Be that as it may, petitioner is at liberty to assail the order dated 22.11.2022 in accordance with the contract/agreement entered among the petitioner and the concerned official Respondent-Railways.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

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