

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19558 of 2013

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Sulochana Devi Wife Of Nand Kishore Lal Resident Of Mesars Mount
Pharma, Lal Kothi, Triplia Gate, P.S. Alamganj, District- Patna- 800 007

... .. Petitioner/s

Versus

1. The State Of Bihar Govt. Of Bihar, New Secretariat, Vikash Bhawan, Patna
2. The Director-In-Chief, Health Services, State Of Jharkhand At Ranchi
3. The Civil Surgeon-Cum-Chief Medical Officer, Kodarma, Jharkhand

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Satya Ranjan Sinha, Adv.
	:	Mr. Shiv Pratap, Adv.
	:	Ms. Seema Kumari, Adv.
	:	Mr. Dhananjay Kumar, Adv.
	:	Ms. Simran Kumari, Adv.
For the State	:	Mr.Sitaram Yadav, GP – 16
	:	Mr. Jitendra Kumar, Ac to GP – 16
For the State of Jharkhand	:	Mr. Sanjay Kumar Pandey, Adv.

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT

Date : 30-04-2024

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The writ petition has been filed for issuance of writ of
mandamus directing the respondent no. 2 to pay dues amount of
Rs. 27,852/- along with interest thereupon, for the supply of
medicine and surgical goods and further to grant such other relief
or reliefs, as prayed for.

3. The brief facts culled out of the petition are that
Mount Pharma is the authorized distributor of Medical and
Surgical goods. That by order no. 178 of invoice no. 7/99-2000 for
Rs. 16,362/- two orders of 190, of invoice no. 3/2000-01 for Rs.



3,960/- and invoice no. 7/2000-01 for an amount of Rs. 7,530/- became due with interest chargeable thereon. The present petition was filed for payment of dues. The petitioner issued legal notice on 07.03.2007 to the Civil Surgeon-Cum-Chief Medical Officer, Koderma for payment of above said amount i.e. Rs. 27,852/- and further made several representations for re-payment of the dues dated 01.06.2009 and 22.04.2013 (Annexures 1 and 1/A). The 3rd respondent by his memo no. 196 dated 16.12.2013 made part payment for only Rs. 3,960/- (vide annexure 2). Further, the petitioner gave reply dated 08.03.2013 along with the details of the dues (vide annexure 3).

4. It is specific contention of the learned counsel for the petitioner that inspite of supplying the articles to the 3rd respondent, the respondents are not paying the aforesaid amount for which she was constrained to file the present writ application.

5. The State of Jharkhand was impleaded as respondent no. 4. A detailed counter affidavit was also filed by the 2nd respondent. The counter affidavit disclose that the Civil Surgeon-Cum-Chief Medical Officer, Koderma has already given Memo No. 186 dated 16.02.2013 to M/s Mount Pharma, Lalkothi, Patna for providing received chalan since the materials have been returned due to non-availability of full particulars. Further the 3rd



respondent also intimated to the petitioner vide letter no. 1526 dated 28.10.2013 to furnish the receipt against the materials supplied in the store so that further proceedings may be done with regard to the payment of dues amount due against the supply of medicine and surgical goods.

6. It is argued by the learned counsel for the State of Jharkhand that as the petitioner failed to furnish the receipt against the material supplied, therefore, the amounts was not being paid.

7. On the other hand, the learned counsel for the petitioner contended that liberty may be given to the petitioner to submit all his bills/receipts along with representation and to further direct the State of Jharkhand to dispose off the representation of the petitioner by making necessary payment on the admitted receipts.

8. It is specific contention of the State of Jharkhand that receipts are not furnished against the material supplied by the petitioner. Therefore, this Court is of the considered view that the petitioner shall make a fresh representation along with the receipts and the respondent no. 4 i.e. the State of Jharkhand shall dispose off the representation of the petitioner by making payments on the admitted receipts, within three months from the date of the representation made by the petitioner.



9. With the aforesaid observation, the writ petition is disposed off.

(G. Anupama Chakravarthy, J)

amitkr/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.05.2024
Transmission Date	14.05.2024

