

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16631 of 2017

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Sri Ashish Chandra Yadav Son of Sri Ram Sakal Rai, resident of Mohalla-
Kankarbagh, Gate no.- 15, Rajendra Nagar, P.S.- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary Building Construction Department, Vishwasaraiya Bhawan, Bailey Road, Patna - 800001
2. Executive Engineer, Patna Building Pramandal, Building Construction Department, Patna.
3. Assistant Engineer, Patna Building Pramandal, Building Construction Department, Patna.
4. Junior Engineer, Patna Building Pramandal Building Construction Department, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushlendra, Advocate
For the Respondent/s : Mr. Narendra Kumar Singh, AC to GP 22

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 09-07-2025

1. Heard the Learned counsel for the parties.

2. The petitioner has filed the instant application for the following reliefs:

“(I) For issuance of writ in the nature of mandamus commanding the respondents to make the payment of the petitioner for the work done on his behalf.



(II) For issuance of necessary directions to the respondents to pay the interest amount on account of non payment of the admitted dues for the work done by the petitioner.

(III) For any other relief or reliefs for which the petitioner is legally entitled."

3. At the very outset, the Learned counsel for the petitioner has drawn the attention of this Court to paragraph No. 6 of the counter affidavit filed on behalf of respondent Nos. 1 and 2, which states as follows:

"6. That after the completion of the work measurement was taken and a bill of Rs. 246903/- was prepared. The payment could not be made as such it become liability for the next financial year. The present Executive Engineer, sent the case of the petitioner (deponent) before the liability committee vide letter



no. 3200 dated 09.06.2018 in accordance with departmental rules. Just after the receipt of the decision of the liability committee appropriate steps will be taken for the redressal of the grievance of the petitioner in accordance with law. It is relevant to mention here that in view of departmental guide line vide letter no. 4275 (B) dated 17.10.1998 Executive Engineer shall be responsible for civil liability for payment of the work which was not within the list of approved priority.”

4. It is observed from the above statement that the work titled “S/R to PCC approach road from front Road to Garage Part -III in the campus of NCC at Rajendra Nagar, Patna for the year 2015-16” was completed, measured, and a bill amounting to Rs. 2,46,903/- was prepared. However, payment could not be made within the financial year and the amount has become a liability for the next financial year. The



responsibility for payment of the work done by the petitioner rests solely with the respondents. The petitioner is not at fault in any manner.

5. Considering the above, the petitioner is entitled to receive the admitted dues. Accordingly, respondent No. 2/Executive Engineer, Patna Building Pramandal, Building Construction Department, Patna is hereby directed to pay the admitted dues of Rs. 2,46,903/- to the petitioner within one month from the date of receipt or production of a certified copy of this order.

6. Further, as the work was executed by the petitioner in the year 2016 and payment has not been made to date, this Court holds that the petitioner cannot be made to suffer on account of the delay. The petitioner is therefore entitled to simple interest @ 9% per annum on the principal amount of Rs. 2,46,903/- from the date of completion of the work until the date of actual payment.

7. With the above observations and directions, the writ petition is allowed.



8. Interlocutory Application, if any,
shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.07.2025
Transmission Date	

