

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 866 of 2018

Manoj Kumar Singh, S/o Sri Shama Nand Singh, R/o Village-Jharudih, PO & PS-Dhanbad, District-Dhanbad

... .. Petitioner

1. East Central Railway, through its Divisional Railway Manager, having its office at DRM Office, Court More, PO & PS-Dhanbad, District-Dhanbad
2. The Sr. Divisional Engineer (Spl.), having its office at DRM Office, Court More, PO & PS-Dhanbad, District-Dhanbad
3. The Divisional Engineer (Special), having designation as DEN(Spl.)/DHN, having its office at DRM Office, Court More, PO & PS-Dhanbad, District-Dhanbad
4. The Sr. Assistant Engineer, having designation as Sr. AEN/1/DHN, having its office at DRM Office, Court More, PO & PS-Dhanbad, District-Dhanbad

... .. Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. Lukesh Kumar, Advocate
For the Respondents	: Mr. Prashant Kumar Singh, DSGI
	Mr. Karbir, AC to DSGI

Order No. 05

Dated: 13.04.2026

1. Heard learned counsel for the parties.
2. This petition was admitted on 10.07.2025.
3. The petitioner, by instituting this petition on 16.02.2018, questions the letter dated 17.01.2018 terminating the contract dated 27.10.2016 for carrying out repairs to leaky roof of staff quarters.
4. Learned counsel for the petitioner submits that in terms of the contract, the petitioner provided for samples on 22.12.2016 to the respondents and sought their approval. Such sample was sent for testing only on 14.07.2017 and till date, no approval was issued. He submitted that until this process was over, there was no question of the petitioner commencing the work. He, therefore, submitted that the letter of termination on the ground that the petitioner failed to

complete the work by stipulated date i.e., 21.01.2017, was arbitrary and a product of non-application of mind.

- 5.** We have considered the above submission and also perused the record.
- 6.** This is a case of termination of a non-statutory contract. The contentions now raised, have not been admitted by the respondents and in any event, such contentions would involve investigations into disputed questions of fact.
- 7.** That apart, the impugned termination letter refers to the petitioner not even applying for any extension on the ground which is now alleged.
- 8.** At this stage, we do not wish to foreclose arguments and contentions of either parties. However, we believe that this is not a fit case for exercising our extraordinary jurisdiction under Article 226 of the Constitution. The contentions and the counter contentions in this matter can be best adjudicated in a civil suit where both the parties will have ample opportunities of leading evidence, both oral as well as documentary.
- 9.** On the above limited ground, we dismiss this petition but with liberty to the petitioner to file a civil suit, if he so desires seeking appropriate reliefs. Further, we note that after the impugned termination letter dated 17.01.2018 was issued, the petitioner within less than a month i.e., on 16.02.2018 instituted this petition. This petition was pending in this Court till today. It was even admitted. Thus, it is apparent that the petitioner was bona fide pursuing the proceeding before this Court.

- 10.** In such circumstances, if the petitioner indeed institutes a suit within six weeks from today, then, the period between 16.02.2018 and today will be considered for exclusion by the civil court under Section 14 of the Limitation Act, 1963. For this, no doubt, the petitioner will have to file an appropriate application and seek the appropriate reliefs.
- 11.** All contentions of all parties on merits are left explicitly open for the civil court to decide should the petitioner indeed institute a suit for redressal of his grievances.
- 12.** None of the observations in this order made influence the civil court when deciding the civil suit on its own merits and in accordance with law.
- 13.** This petition is disposed of with liberty in the above terms. No costs.

(M. S. Sonak, C.J.)

(Rajesh Shankar, J.)

April 13, 2026
Manish/Ritesh

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