

Ram Kumar Singh Vs. State of Bihar and ors.

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Court : Patna

Decided On : Mar-08-2000

Judge : M.Y. Eqbal, J.

Appeal No. : C.W.J.C. No. 1527 of 1999 (R)

Appellant : Ram Kumar Singh

Respondent : State of Bihar and ors.

Advocate for Pet/Ap. : Mr. A.K. Sinha

Disposition : Appeal Dismissed

Prior history : M.Y. Eqbal, J. 1. In this writ application, the petitioner has prayed for quashing the order dated 11/12.6.99 as contained in Annexure-8 to the writ application by which the petitioner has been directed to complete the work of construction of Angan Bari Centres within a specified time failing which step shall be taken for instituting F.I.R. The petitioner has further prayed for issuing necessary direction upon the respondents to revise the rate for construction of Angan Bari Centres in terms o

Judgement :

M.Y. Eqbal, J.

1. In this writ application, the petitioner has prayed for quashing the order dated 11/12.6.99 as contained in Annexure-8 to the writ application by which the petitioner has been directed to complete the work of construction of Angan Bari Centres within a specified time failing which step shall be taken for instituting F.I.R. The petitioner has further prayed for issuing necessary direction upon the respondents to revise the rate for construction of Angan Bari Centres in terms of the Government letter dated 1.11.95.

2. The petitioner is working as Junior Engineer in Zila Parishad, Hazaribagh on deputation. It appears that as per letter dated 15.7.97 issued by the Secretary, Welfare Department, Government of Bihar, all the District authorities were directed to construct Angan Bari Centres, the total construction of which was assessed at Rs. 1,48,000/-. Pursuant to that letter, the Zila Parishad was authorised to construct 78 Angan Bari Centres in the different districts and the work was to be completed de-partmentally and not through the contractors. The petitioner was accordingly authorised to construct 66 Angan Bari Centres and the time fixed for such construction was up to 30.6.98. Petitioner's case is that out of 66 units, he already constructed 32 units of Angan Bari Centres and the remaining units could not be constructed owing to non-supply of cement by the Deputy Development Commissioner, Hazaribagh. Further case is that in the meantime, the price of the materials increased and for that reason the cost of construction was raised from Rs. 1,48,000/- to Rs. 1,77,600/- by the State Government and the said decision of the State Government is also to be enforced in the district of Hazaribagh. It is stated that the petitioner filed representation apprising the authorities of the Zila Parishad about the increase in the price of the materials and for reconsideration of the enhanced rate but instead of considering the representation the petitioner was served with the impugned order dated 11/12.6.99 directing the petitioner to complete the work within one month failing which F.I.R. shall be lodged against him.

3. In the counter-affidavit filed on behalf of respondent No. 4, the Zila Parishad, it is, inter alia, stated that the work was allotted to the petitioner with specific condition that the work shall be executed within the specified time and for that purpose the petitioner was paid the said part of the cost of construction in

advance. In para 16 of the counter-affidavit, details of the amount paid to the petitioner has been mentioned and it is stated that till January, 1999 the petitioner already received rupees one crore fifty-eight thousand but the construction was not completed. Respondent No. 2, the Deputy Development Commissioner, Hazaribagh made inspection and found that the progress of the work was not satisfactory and even the construction work of the remaining units was not started by the petitioner.

4. I have heard Mr. A.K. Sinha, learned Counsel for the petitioner, Mrs. I. Sen Choudhary appearing for the Zila Parishad and Mrs. Ritu Kumar, learned Counsel for the State.

5. Admittedly, by letter dated 6.6.98 (Annexure-3), the petitioner was directed to complete the entire work by 30.6.98. Pursuant to the letter issued by the respondents, the petitioner started construction of Angan Bari Centres and time to time received advance from the respondents. It is also not disputed that till date the entire units have not been constructed by the petitioner although more than crores of rupees has been paid to him. The plea taken by the petitioner is that the State Government vide letter dated 1.11.96, revised the cost of construction and the same was raised to Rs. 1,77,600/- from Rs. 1,48,000/-. A copy of the said letter dated 1.11.96 has been annexed as Annexure-4 to the writ application, from a perusal of which it appears that in response to the letter of the Deputy Development Commissioner, Ranchi, the State Government sanctioned the cost of construction at Rs. 1,77,600/- for the district of Ranchi but even in that letter, it was clarified that the Government will disburse the cost of construction at the rate of 1,48,000/- only. This letter does not show that the cost for construction of Angan Bari Centres in Hazaribagh district has been revised and increased by the State Government from Rs. 1,48,000/- to Rs. 1,77,600/-. From perusal of Annexure-7 which is a copy of the representation, it appears that the petitioner, for the first time, made a representation on 5.5.99 to his controlling authority, namely, the Zila Parishad, Hazaribagh regarding the fixation of wages and labour charges and for Re-consideration of the matter and enhancement of rate.

6. As noticed above, till January 1999, the petitioner has already received more than crores of rupees but from November 1996, to January 1999, no such stand was taken by the petitioner for enhancement of cost of construction on the basis of the Government letter dated 1.11.96 (Annexure-4). In that view of the matter, I am of the opinion that no prima facie case of arbitrariness on the part of the respondents is made out by the petitioner. The action of the respondents cannot be said to be arbitrary and unreasonable which needs immediate interference by this Court.

7. Having regard to the entire facts and circumstances of the case, I do not find any reason to interfere with the impugned order passed by the respondents. This writ application is, therefore, dismissed.

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