

Ram Sagar Pathak Vs. State of Bihar and ors.

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SooperKanoon Citation : sooperkanoon.com/133233

Court : Patna

Decided On : Apr-21-2006

Judge : Aftab Alam, J.

Appellant : Ram Sagar Pathak

Respondent : State of Bihar and ors.

Advocate for Pet/Ap. : Mr. Shyameshwar Dayal

Judgement :

Aftab Alam, J.

1. Heard Mr. Shyameshwar Dayal, counsel for the petitioner and the J.C. to G.A. I representing the State.

2. This writ petition was filed seeking payment of certain contractual dues. Admittedly, a larger part of the petitioner's claim has been paid to him but Mr. Dayal pressed this writ petition for the smaller amount that was deducted and interest for delayed payment.

3. The petitioner had done some work in connection with an irrigation project in the year 1990-1991. Payment for the work was not made to him and seeking a direction to the authorities for the payment of his dues, this writ petition was filed on 12.05.2004. Mr. Dayal submitted that from the departmental correspondences,

it would appear that the admitted dues was Rs. 3,14,450. After filing of the writ petition, however, the petitioner was paid the amount of Rs. 3,14,450. He submitted that there was no reason for the authorities to deduct a sum of Rs. 27,000 and further that no statement of account was given to him.

4. The state counsel pointed out that payment was made on the basis of verification report made in presence of the petitioner and the details of the verification report and calculations based thereon were contained in the second supplementary affidavit.

5. Anyway, a writ court can hardly adjudicate on disputed monetary claim, hence, the matter stands concluded so far as the petitioner's claim for the balance of Rs. 27,000 is concerned.

6. Mr. Daya¹ further claimed interest on delayed payment. He submitted that the work was completed in the financial year 1991-1992 and the payment was made to the petitioner as late as in the year 2006. There was no reasonable cause for such an inordinate delay. He supported his claim for interest on the basis of several decisions of this court.

7. On hearing counsel for the parties, I am satisfied that the petitioner's claim on this score has substance and it deserves to be allowed. The concerned authorities, the District Magistrate, Begusarai in particular, is directed to pay interest to the petitioner on the sum of Rs. 3,14,450 at the rate of 7% per annum.

8. The interest would be payable from the date of the completion of the work till the date of payment. The payment of the interest amount must be made within two months from the date of receipt/production of a copy of this order in the office of the District Magistrate, Begusarai.

9. This writ petition stands disposed of with the aforesaid observations and directions.