
(2016) 02 AHC CK 0264
In the Allahabad High Court
Case No : Misc. Bench No. 3033 of 2016

Avinash Tripathi

APPELLANT

Vs

D.R.M. Engineering Poorvottr Railway Lucknow & Others

RESPONDENT

Date of Decision : 15-02-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 AllWC 3101

Hon'ble Judges : Amreshwar Pratap Sahi and Attau Rahman Masoodi, JJ.

Bench : Division Bench

Advocate : Ram Prasad Dwivedi & Zeba Haneef(Km.), Advocates, for the Appellant; Jyotesna Pal, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Amreshwar Pratap Sahi And Attau Rahman Masoodi, JJ.— Heard Sri Avinash Tripathi in person.

2. The petitioner has come up in this writ petition in respect of certain claims of contractual dues from the respondent-Railway Department in relation to a work which was executed by his late father in 1987. It is admitted that his father died in the year 2000. Now the petitioner has taken up this cause by moving an application and obtaining information under the Right to Information Act.

3. The petitioner contends that the payment along with interest from 1989 onwards till date of actual payment, therefore, should be directed to be made through a writ of mandamus.

4. Having considered the aforesaid submission, it is difficult for this Court to entertain such a money claim, that too even after 26 years of the amount which fell due. Not only this, the petitioner's father may have made certain efforts, but there, does not appear to be anything on record to demonstrate that any such claim was made in the past. The dispute arises out of a contract which will be governed by the terms of the contract. Even otherwise the limitation for filing a

suit for such claim may have also expired.

5. In such a situation merely because information has been received through the Right to Information Act, the same would not enliven and rejuvenate a cause of action which may have died a natural death several years hence.

6. We are, therefore, unable to entertain such a petition under Article 226 of the Constitution of India on the plea so raised.

7. The petition is, accordingly, rejected.