

**(2016) 10 JH CK 0046**  
**In the Jharkhand High Court**  
**Case No : W.P. (C) No. 7551 of 2013**

Mokhtar Ansari

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

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**Date of Decision :** 18-10-2016

**Acts Referred:**

**Citation :** (2017) 2 JBCJ 42

**Hon'ble Judges :** Mr. Aparesh Kumar Singh, J.

**Bench :** Single Bench

**Advocate :** M/s. Lakhan Chandra Roy, Jitendra Kr. Deo, Advocates, for the Petitioners; Mr. Radha Krishan Gupta, JC to GP-VI, for the Respondent-State

**Final Decision :** Disposed Off

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## Judgement

Mr. Aparesh Kumar Singh, J.—; Heard counsel for the parties.

2. Petitioners have sought payment of outstanding dues to the tune of Rs. 1,60,000/-, Rs. 2,00,000/- and Rs. 1,27,000/- respectively against each of them towards execution of work under Sampurna Gramin Rojgar Yojna, as per work orders (Annexure-1 series) issued by the Respondent No. 5 - Executive Engineer, Special Division No. II, Garhwa dated 10.12.2005, 18.01.2006 and 10.12.2005. According to them, part payment has been made against the total estimated value of work of Rs. 3,60,000/-, Rs. 4,27,182/- and Rs. 3,27,000/- respectively against each of these petitioners. Petitioners have made representation such as Annexure-4 series before the Respondent Deputy Commissioner, Garhwa without any avail. Therefore, they have approached this Court.

3. Learned counsel for the Respondent State is present. A counter affidavit has been filed on behalf of Respondent Nos. 3, 4 and 5. At paragraph-7, 8, 9 and 10, statements have been made about allotment of the scheme to the petitioners; completion of respective work allotted to the petitioners has been found during inquiry by the Respondent No. 5 and part payment of contractual dues to the tune of Rs. 1,60,000/-, Rs. 2,27,182/- and Rs. 2,00,000/- respectively against

each of these three petitioners. According to them, Rs. 95,755/-, Rs. 2,22,550/- and Rs. 75,290/- are due for payment in respect of which, Respondent No. 5 made a request to the Deputy Commissioner, Garhwa (Respondent No. 3) vide Annexure-A letter dated 2. 18.12.2014. The Deputy Commissioner, Gahrwa through his letter No. 340/Manrega dated 18.06.2015 has requested the Secretary, Rural Development Department, Jharkhand Government and again through another letter dated 13.08.2015 for allotment of fund for payment to the petitioners (Annexures-B&C). Since no allotment has been sanctioned to the Respondent District authorities, Garhwa, payments have not been made. It is also stated that scheme under S.G.R.Y. are closed since 2006. Respondent have however denied the claim of interest made on behalf of the petitioners.

4. Pleadings in the counter affidavit supported by enclosed documents show execution of work by the petitioners against the work orders issued in their favour. Part payments are also shown to have been made. As per the Respondents, due to lack of allotment, rest of the admissible dues have not been paid. In such circumstances, it would only be proper to allow the petitioners to approach the Respondent No. 2 - Secretary, Jharkhand Rural and Works Department, Jharkhand with a representation duly supported with all necessary facts and documents in support of their claim for release of the admissible dues towards execution of the work under each work orders in question. On receipt of such representation, the Respondent No. 2 after due satisfaction of the execution of the work and admissibility of dues, would take a decision within a period of twelve weeks therefrom and if claims are found admissible, allotment for payment of admissible dues should be released within a reasonable time thereafter to the district authorities concerned for payment to the petitioners.

5. Writ petition is accordingly disposed of.