
(2014) 09 JH CK 0042

In the Jharkhand High Court

Case No : Writ Petition (Civil) No. 6090 of 2013

Partha Kumar Dey

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 02-09-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2014) 4 JLJR 250

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Amrendra Pradhan, Advocate for the Appellant; Shamim Akhtar, S.C. (Mines), Advocate for the Respondent

Judgement

S. Chandrashekhar, J.—Seeking a direction upon the respondents for payment of admitted dues for construction of integrated house hold latrines (Super Structure Toilets) under "Nirmal Bharat Abhiyaan", the petitioners have approached this Court by filing the present writ petition.

2. The learned counsel appearing for the petitioners referring to letter dated 04.11.2009 submitted that the petitioners who were awarded the work for construction of integrated house hold latrines (Super Structure Toilets) were directed to stop further construction of latrines by letter dated 04.11.2009. Thereafter the works completed by the petitioners were verified by the respondent authority and necessary communication was forwarded to the Deputy Commissioner, East Singhbhum however, the payment to the petitioners could not be made for "want of fund". The learned counsel for the petitioners submits that the claim of the petitioners has been accepted in paragraph No. 7 of the counter-affidavit filed on behalf of respondent Nos. 1 to 4 and therefore, a suitable direction may be issued to the respondent authorities for making payment to the petitioners.

3. Mr. Md. Shamim Akhtar, the learned counsel appearing for the respondent-State of Jharkhand disputed that the respondents have admitted claim of the

petitioners. It is submitted that the petitioners have not quantified their claim and no evidence has been produced by the petitioners in support of their claim. It is further submitted that the petitioners have approached this Court seeking a direction for payment of money for which even a money suit cannot be filed three years after the cause of action. On the above grounds, the writ petition has been resisted.

4. Considering the facts and circumstances of the case and the stand taken by the respondent-State of Jharkhand, I find that the respondent-State of Jharkhand has not denied that the petitioners constructed integrated house hold latrines (Super Structure Toilets) under "Nirmal Bharat Abhiyaan" pursuant to work awarded by the respondent-State of Jharkhand. It is also a matter of record that necessary verification was carried out and it has been found that the petitioners have constructed integrated house hold latrines (Super Structure Toilets) under "Nirmal Bharat Abhiyaan" for which they are entitled to receive money. In paragraph No. 7 of the counter-affidavit filed on behalf of respondent Nos. 1 to 4, a statement has been made that due to "want of fund", dues to the petitioners could not be paid. In these facts, I am of the opinion that since the respondents have admitted dues of the petitioners, the action of the respondents in not making payment to the petitioners is in the teeth of protection under Article 14 of the Constitution of India and therefore, I am inclined to entertain the writ petition.

5. The learned counsel appearing for the petitioners referred to paragraph Nos. 11 and 12 of the writ petition to which the respondents have merely stated that these are matters of record and needs no comment. The petitioners have produced on record several communications which prima facie indicate that they have not been paid for the works completed by them. In these facts respondent No. 1 is directed to issue necessary directions for payment to the petitioners for the work completed by them, in accordance with law, within a period of eight weeks from today.