
(2021) 03 JH CK 0187

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 5560, 6276 Of 2018

Rajeev Kumar

APPELLANT

Vs

State Of Jharkhand & Ors

RESPONDENT

Date of Decision : 26-03-2021

Acts Referred:

Citation : (2021) 03 JH CK 0187

Hon'ble Judges : Sujit Narayan Prasad, J;Ratnaker Bhengra, J

Bench : Division Bench

Advocate : Rajiv Ranjan, Ritu Kumar, L.C.N. Sahadeo, Bhanu Kumar, Richa Sanchita, Dheeraj Kumar

Judgement

1. With the consent of the parties, hearing of the matter has been done through video conferencing and there is no complaint whatsoever regarding audio and visual quality.

2. Reference may be made to order dated 19th March, 2021, in pursuance thereto, Mr. Sukhdeo Singh, Chief Secretary, State of Jharkhand and Mr. Sunil Kumar, at present holding the post of Principal Secretary, Building Construction Department are present.

It would be evident from the aforesaid order that Court had put two queries :-

(I).As to why the "Notice Inviting Tender" could not be issued in spite of specific direction of this Court and even after assurance/undertaking given by the Chief Secretary of the State of Jharkhand?

(II).Who is the Higher Authority above the Chief Secretary of the State of Jharkhand before whom the matter pertaining to issuance to NIT is pending for approval?

3. Mr. Sukhdeo Singh, Chief Secretary, State of Jharkhand, in course of interaction with this Court, has submitted that after approval having been granted by the Cabinet with respect to the sanction of the estimate with money

as per DPR, the matter is now pending with the "Departmental Minister".

He further submits that in between, due to budget session, the decision could not be taken in the matter in question but now the budget session has concluded and as such sincere endeavours would be taken by pursuing the matter with the concerned "Departmental Minister" before whom the matter is pending.

4. Learned Advocate General, appearing for the State of Jharkhand, has submitted that the matter may be adjourned so that in the meanwhile he may also deliberate upon the issue so that Notice Inviting Tender may be issued at an early date.

5. This Court, having heard the parties and the Chief Secretary of the State of Jharkhand, is prima facie of the view that once the Cabinet has approved the entire project along with sanction of the money, as has been stated in the earlier affidavits filed by the State, the matter cannot be kept pending by the "Departmental Minister" and if it is being kept pending, this Court, prima facie, is of the view that the "Departmental Minister" is in the excess of his jurisdiction. However, we are not making out any definite view in this regard as of now on account of the assurance given by the learned Advocate General and the Chief Secretary of the State of Jharkhand that if the matter would be adjourned, sincere endeavor would be taken for pursuing the matter which is now lying pending before the "Departmental Minister".

6. This Court, therefore, is of the view that one adjournment is required to be given to the respondents.

Accordingly, by way of last indulgence, let this matter be posted on 23rd April, 2021 at 4.00 pm with the hope and trust that the matter of issuance of Notice Inviting Tender would be expedited and appropriate affidavit would be filed along with the Notice Inviting Tender before the next date of hearing.

7. Personal appearance of Mr. Sukhdeo Singh, Chief Secretary, State of Jharkhand and Mr. Sunil Kumar, Principal Secretary, Building Construction Department, Government of Jharkhand are dispensed with for the present.

8. Office is directed to communicate this order to the learned Advocate General, the Chief Secretary and the Principal Secretary, Building Construction Department, Government of Jharkhand forthwith.