

(2003) 09 JH CK 0151

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 5706 of 2002

Sadhu Sharan Ram

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-09-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 3 JCR 243

Hon'ble Judges : P.K. Balasubramanyan, C.J;R.K. Merathia, J

Bench : Division Bench

Advocate : M. Sohail Anwar, Altaf Hussain, N. Hoda and Ramit Salinder, for the Appellant; Nilesh Kumar, JC to AG, for the Respondent

Judgement

1. Heard counsel for the petitioner and the counsel appearing for the State.
2. This writ petition said to be in public interest challenges an order dated 7.2.2002 (Annexure-3), by which it has been decided by the Government to entrust all construction works to the "Building Construction Department" including construction, repair and maintenance, installation of electrical equipments, sanitation fittings etc. in buildings construed by the Building Construction Department. Apparently, earlier, the work of the fixing of sanitation fittings was being done by the Public Health Engineering Department. According to the counter-affidavit, which has been filed by respondent No. 2, the division of work had led to considerable delay in completion of buildings by the Building Construction Department and the handing over of the buildings after construction and keeping in view all the relevant aspects, the present order was issued. The reason given in the counter-affidavit is not so irrational or unreasonable as to justify our interference. After all, this is a matter of internal administration by the Government and it is for the Government to decide as to which department should do the work and how the work should be got done. The apprehension of the petitioner that several employees of the Public Health Engineering Department will be jobless by the issuance of the present order, has been denied

and it has been pointed out that the other works entrusted to the Building Construction Department would be got done by persons working in the Public Health Engineering Department. The role of the Court in such matters is limited and in any event, on the facts and in the circumstances of the case, we are not satisfied that interference by this Court is warranted.

3. Learned counsel for the petitioner pointed out that the construction work done in the State by the Building Construction Department is of such a poor quality that the same is proving disastrous. In our view, this aspect can very well be examined by the Government on the administrative side. The stair case recently built in the High Court building, was referred to by learned counsel as an example for showing that it has started crumbling even at the end of the first year of its construction. It is necessary for the Government to ensure that work in the Government buildings is done properly, ensuring quality control and that no payment is made to the contractor concerned whose work is not found to be of the quantity expected and the quality prescribed for such work. To that extent public interest is involved in this writ petition. Accordingly, we direct the State Government to ensure that all constructions got done by the Government, either through the Department or otherwise is of proper quality and of proper standard and unless it conforms to the standard prescribed, not to make payments and to take action against any engineer found guilty of dereliction of duty in ensuring quality control.

4. With the above directions, this writ petition is disposed of.

5. The Registry will communicate a copy of this judgment to the Secretary, Building Construction Department, Government of Jharkhand, Ranchi for compliance. A copy will also be given to the Government counsel.