
(2002) 07 JH CK 0044
In the Jharkhand High Court
Case No : LPA No. 39 of 1997 (R)

State of Bihar and Others

APPELLANT

Vs

Ratan Lal Sahu and Others

RESPONDENT

Date of Decision : 01-07-2002

Acts Referred:

Citation : AIR 2002 Jhar 158

Hon'ble Judges : S.J. Mukhopadhaya, J;Lakshman Uraon, J

Bench : Division Bench

Advocate : A. Allam, Pankaj Kumar, J.C. to A. Allam, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

S.J. Mukhopadhaya and Lakshman Uraon, JJ.—The respondents-writ petitioner was allotted construction work by the State of Bihar in the year 1989 which was complied by the respondents. In spite of bills submitted but because of paucity of fund the amount was not paid by the State in favour of respondents-writ petitioner. The correspondence was made vide letter dated 2nd September, 1993 by the Executive Engineer, Building Construction & Housing Department, Ranchi to the Superintending Engineer, for release of fund and the other letter dated 30th January, 1993 written by Executive Engineer, Gumla to the Executive Engineer, Ranchi to release fund at least for refund of the security money deposited by the respondents-writ petitioner was enclosed in support of writ petitioner's contention.

2. No action having taken the respondents-writ petitioner earlier moved before this Court in CWJC No. 3294/1993 (R) which was disposed of with direction to respondents to decide the claim. The said order having not complied, another writ petition CWJC No. 1726/1994 (R) was preferred by respondent-writ petitioner with direction to Superintending Engineer to look into the matter and decide it finally.

3. It appears that the respondents-writ petitioner thereafter moved before this Court In CWJC No. 3250/1995 (R). In the said case on 22nd March, 1996 the Counsel for the State handed over a cheque No. 041453 dated 20th March, 1996 for Rs. 24.670/- in the name of the respondents-writ petitioner. The respondents-writ petitioner thereafter deposited the cheque to the State Bank of India, Gumla on 19th April, 1996 i. e. within time, however, because of some instructions given by the State it was not encashed.

4. In the aforesaid situation 4th writ petition, CWJC No. 2184/1996 (RJ) was preferred by respondents-writ petitioner. In the said case this Court vide Impugned Judgment and Order dated 20th December, 1996 directed the appellant-respondent to issue a fresh cheque for Rs. 24,670/- with further direction to pay interest @ 18% from April, 1989.

5. From the facts aforesaid it will be evident that a sum of Rs. 24,670/- was payable to respondents-writ petitioner which the appellant accepted, they issued cheque but for their instruction it was not encashed. In this background learned Single Judge directed the appellant to release cheque and ordered to pay interest. We find no illegality the appeal is accordingly dismissed.