

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 33 of 2010

Rameshwar Mistry Petitioner

Versus

The State of Jharkhand & Ors. ... Respondents

CORAM: HON'BLE MR. JUSTICE DR. S. N. PATHAK

For Petitioner : Mr. Rajiv Sharma, Sr. Advocate

Mrs. Rita Kumar, Advocate

For Respondents : Mrs. Nilam Tiwary, JC Sr. SC-I

10/ 03.11.2017 It is submitted by Mr. Rajiv Sharma, Sr. Advocate assisted by Mrs. Rita Kumari, learned counsel appearing on behalf of the petitioner that already grievances of the petitioner has been redressed as far as prayer No. 1 (B) is concerned whereas Prayer No. 1 (A) & (C), has not been redressed.

Learned counsel further submits that though a report has come by way of Annexure 7 & 8 to the reply of the counter-affidavit dated 03.05.2010 that the original estimate was sanctioned for an amount of Rs. 3,02,600/- taking into consideration the depth of bore as 400' but on the basis of condition of the site and availability of adequate water boring work was done for the depth of 780' and accordingly, the estimate was revised to Rs. 4,03,200/-.

In view of report of the Competent Authorities, it was not open to the respondents to recover the amount of Rs. 1,29,989/- from the salary of the petitioner during the pendency of the writ petition. Learned counsel further submits that the respondents have not considered their own report, which goes to say that nothing was pending against the petitioner rather the amount of Rs. 2,14,800/- was to be given to the petitioner on the ground of excess expenditure incurred on account of work done due to increase in the length of bore, which was once revised from Rs.03,02,600/- to Rs.4,03,200/-.

On the other hand, Mrs. Nilam Tiwary, learned counsel appearing on behalf of the respondents submits that the entire measurement book has been annexed which goes to say that there was no work order and any sanction

regarding the increase in length of bore from 400 feet to 780 feet and as such, the petitioner is not entitled for any payment in view of increased length of the bore well. It is submitted that it is a settlement of advance and it cannot be said that the amount has been recovered.

Be that as it may, having gone through the rival submissions of the parties, this Court is of the considered view that when a report has been furnished and the report says that depth of bore well was extended to 780 feet from 400 with all calculation, I do not understand that why the amount incurred to increased depth be not paid to the petitioner. However, let the respondents examined their own report if the petitioner is found entitled for the payment, the same should be extended after examining the report and affidavit to that extent be filed by the Secretary of the Department concerned before this Court within a period of two weeks.

Let this case be listed after two weeks.

(Dr. S.N. Pathak, J.)

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