
(2006) 07 JH CK 0032

Jharkhand High Court

Case No: None

State of Jharkhand and Others

APPELLANT

Vs

A.K. Construction and Others

RESPONDENT

Date of Decision: July 31, 2006

Citation: (2007) 3 JCR 165

Hon'ble Judges: M.Y. Eqbal, J; Dhananjay Prasad Singh, J

Bench: Division Bench

Judgement

@JUDGMENTTAG-ORDER

1. Heard Mr. R.N. Sahay, learned Sr. SC II appearing on behalf of the appellants and Mr. Rajesh Kumar, learned Counsel appearing on behalf of the respondents.
2. The appellant-State of Jharkhand is aggrieved by that part of the order of the learned single Judge dated 4.2.2004 passed in WPC No. 969/2003 by which the learned single Judge, while allowing the respondents to complete the work, directed the State-appellant to pay a sum of rupees one lac to the writ petitioners by way of compensation.
3. The writ petition was filed by the respondents (writ petitioners) alleging inter alia, that the work relating to renovation of Sarswatia Irrigation Project has been illegally allotted to respondent No. despite the fact that said respondent No. 6 did not fulfil the requisite criteria.
4. The learned single Judge formulated a question as to whether respondent No. 6 has been favoured in giving contract or as to whether the decision making process was arbitrary or not. The learned single Judge, after considering the pleadings of the parties, came to the conclusion that the action of the respondent-State in granting work to respondent No. 6 who did not qualify is arbitrary and unfair. However, the learned single Judge having found that the work was about to be completed by " respondent No. 6, allowed him to complete the work and receive payment but this

will be subject to payment of compensation to the petitioner by the department tentatively passed at rupees one lac.

5. In our view, if the learned single Judge, was of the view that the contract was illegally allotted to respondent No. 6 by the department then proper course would have been to issue a direction for making inquiry and fixing the responsibility against the officers who favoured respondent No. 6. But, in no case, for the laches of the department, the writ petitioner shall be entitled to compensation. We, therefore, set aside that part of the judgment and order by which the department has been directed to pay rupees one lac to the writ petitioner by way of compensation.

6. With the aforesaid modification in the impugned judgment and order this appeal stands disposed of.