

(2008) 02 PAT CK 0173

Patna High Court

Case No: CWJC No. 6828 of 2005

Gulam Mohammad and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Feb. 1, 2008

Citation: (2008) 3 PLJR 342

Hon'ble Judges: Navaniti Pd. Singh, J

Bench: Single Bench

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Navaniti Pd. Singh, J.

The eight petitioners are poor boatmen whose boats were requisitioned on various dates for Flood Protection Programme in between 1995 to 2004 by the Samastipur district administration in the Anchals, Hassanpur and Bithan of Samastipur district. Though these requisitions were made from poor people under emergent conditions when it came to making payment to them, on one pretext or the other and on one pretence or the other, payments were being denied which brought the petitioners to this Court. While the matter was pending before this Court, so far as the liability with relation to requisition of boats in respect of Hassanpur Anchal of district-Samastipur is concerned, the Collector of the district has arranged and made full payments. So far as Bithan Anchal of district-Samastipur is concerned, the amounts, as claimed by the petitioners, is not in dispute. In paragraph-6 of the counter affidavit, while admitting the claims, it is stated that demand has been made from the Secretary, Relief Department, Bihar, Patna by letter No. 107 dated 8.3.2006. It is then stated that as soon as funds are made available by the State, the same would be paid to the petitioners. In my view, the stand of the respondents is quite arbitrary. In law, it is well settled that if a person is required to do a work for a remuneration then while doing the work, remuneration becomes due and payable or If the agreement states on completion of the work but in no circumstances

payment can be delayed and/or postponed awaiting release of fund from the Government and that too for over a decade. In a welfare State governed by democratic norms, harassing poor boatmen in this manner does not hold good as a matter of good governance. In view of the counter affidavit, as referred to above, I have no option but to direct the Collector-cum-District Magistrate, Samastipur to immediately arrange payment for the dues of the petitioners which is totaling to about Rs 1,36,000/- which should be paid within one month from the day the order of this Court is produced before him. In case it is not so paid within the period aforesaid then payment made at a later date would attract an interest of 8% per year from the time payments were due and the said payment would be liable to be made alongwith the said interest.

2. With these directions, the writ application stands allowed.