

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 60 of 2023

Raider Security Services Pvt. Ltd., Ranchi, through its Director – Arun Kumar Sinha Petitioner

Versus

1. The State of Jharkhand through its Additional Chief Secretary, Health, Medical Education and Family Welfare Department, Government of Jharkhand, Ranchi
2. Mission Director, Jharkhand Rural Health Mission (JRHMS), Namkum, Ranchi
3. The Deputy Commissioner, Pakur
4. The Deputy Development Commissioner, Pakur-cum-Nodal Officer, Sadar Hospital, Pakur
5. Civil Surgeon-cum-Chief Medical Officer, Pakur... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioner	: Mr. Shailendra Kumar Singh, Advocate
For the Respondents	: Mr. Shray Mishra, AC to AG

Order No. 02

Dated: 20.02.2023

The present writ petition has been filed for issuance of direction upon the concerned respondents to forthwith make payment of Rs.85,57,500/- to the petitioner for successful installation of Pressure Swing Adsorption (PSA) Plant including supply of materials, machinery and consumables at Sadar Hospital, Pakur in pursuance of Tender Notice No. 08/2021 (Re-Tender 06/2021) dated 17.06.2021 issued by the office of the Civil Surgeon-cum- Chief Medical Officer, Pakur.

2. Learned counsel for the petitioner submits that in pursuance of the aforesaid tender notice, the petitioner participated in the same and on being selected as successful bidder, work order as contained in memo no. 1330 dated 26.06.2021 (Annexure-2 to the writ petition) was issued in its favour by the respondent no. 5. The estimated cost of the said work was Rs.81,50,000/-. The petitioner duly installed the PSA Plant on 05.01.2022, which was tested successfully by the Deputy Commissioner, Pakur and the Sub-Divisional Officer, Pakur on 23.01.2022. Thereafter, the petitioner repeatedly represented different authorities for release of payment for the said work, however, the same remained unresponded, which has compelled the petitioner to prefer the present writ petition.

3. Mr. Shray Mishra, AC to AG appearing on behalf of the respondents, submits that since the claim of the petitioner is required to be properly examined by the competent authority, if it prefers a fresh representation on the present issue before the respondent no. 1, an appropriate decision in accordance with law will be taken.

4. Having heard learned counsel for the parties and keeping in view the nature of prayer made by the petitioner in the present writ petition, without entering into the merit of the case, the petitioner is given liberty to prefer a fresh representation raising the aforesaid claim before the respondent no. 1. On receipt of the said representation, the respondent no. 1, after providing an opportunity of hearing to the petitioner's representative as well as calling for the relevant records from the concerned office, shall take an appropriate informed decision within three months from the date of filing of the said representation.

5. The writ petition is accordingly disposed of with aforesaid liberty and direction.

(Rajesh Shankar, J.)

Manish