

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

DBP.No.18 of 2015

PETITIONER :

THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
THIRUNAKKARA, KOTTAYAM DIVISION.

BY ADV. SRI.M.V.S.NAMPOOTHIRI SC FOR TDB
BY ADV.SRI.KRISHNA KUMAR MANGOT AMICUS CURIAE FOR OMBUDSMAN

RESPONDENT :

THE DEPUTY DIRECTOR,
LOCAL FUND AUDIT,
THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.R.RENJITH

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
16-02-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

D.B.P.No.18 of 2015

Dated this the 16th day of February, 2015

ORDER

Anil K.Narendra, J.

The Travancore Devaswom Board has filed Petition No.109 of 2014 before the Hon'ble Ombudsman seeking approval and sanction for the work of urgent repairs and maintenance to the Valiyambalam and Chuttambalam in Thiruvallur Devaswom in Parur Group, at an estimate cost of ₹9,05,000/- based on SOR 2012 and award contract in favour of Sri.C.A.Jayadeep, at 30% excess over the sanctioned estimate rate. On the said petition, the Hon'ble Ombudsman has filed T.D.B.Report No.18 of 2015.

2. We heard arguments of the learned standing counsel for the Board and the learned Senior Government Pleader representing the Local Fund Audit. We have also perused the petition filed by the Board and also the report filed by the Honourable Ombudsman.

3. Going by the report submitted by the Hon'ble Ombudsman though the estimate is only for ₹9,05,000/-, permission of this Court is sought since the work is awarded 30% above the

sanctioned estimated rate. The report of the Hon'ble Ombudsman would show the Local Fund Audit has not filed any remarks and no objection was raised against the request for approval. The Hon'ble Ombudsman has also noticed that Thiruvallur Siva Temple was the venue of Bhagavatha Sathram conducted in the last week of December, 2014 and urgent repairs and maintenance works had to be done as large number of devotees would be attending the temple for darsan as well as for participating in the Bhagavatha Sathram and in such circumstances, anticipating the permission of this Court the Board had already effected the repair works. Therefore Petition No.109 of 2014 is virtually filed for ratification of the award of work to the lowest tenderer. The Hon'ble Ombudsman has suggested that appropriate orders may be passed by this Court on the approval sought for by the Board.

4. In such circumstances, based on the report of the Hon'ble Ombudsman, the action of the Travancore Devaswom Board in awarding the contract in question to the lowest tenderer Sri.C.A.Jayadeep at 30% excess over the sanctioned estimate rate is hereby ratified.

It will be open to the Hon'ble Ombudsman, if found necessary, to conduct an inspection of the work already undertaken by the Board. The expenditure incurred for the work will be subject to audit.

D.B.P.No.18 of 2015 is allowed.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRA, JUDGE

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