

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.19 of 2015

PETITIONER :

THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY ITS EXECUTIVE ENGINEER,
SDP PAMPA.

BY ADV. SRI.V.KRISHNA MENON, SC, TRAVANCORE DEVASWOM
BY 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.NARENDRAN, JJ.

D.B.P.No.19 of 2015

Dated this the 16th day of February, 2015

ORDER

Anil K.Narendran, J.

The Travancore Devaswom Board has filed Petition No.104 of 2014 before the Hon'ble Ombudsman seeking approval and sanction of repairs and maintenance to the damaged road (Police Station Road to Palliyarakavu Devaswom Junction of SDP-Nilackal) sanctioned for ₹12,25,000/-, in favour of Sri.K.P.Madhusoodhanan, at 5% above the sanctioned estimate rate. On the said petition, the Hon'ble Ombudsman has filed T.D.B.Report No.19 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 Hon'ble Ombudsman.

3. Going by the report submitted by the Hon'ble Ombudsman the work in question is repairs and maintenance to the damaged road at Nilackal. Going by the affidavit filed by the Executive Engineer, Pamba, the Devaswom Commissioner had

verbally directed to effect repairs and maintenance of the road after seeing condition of the road and in compliance of that the Chief Engineer (General) of the Board has prepared an estimate for ₹12,25,000/- at the 2012 scheduled rates. The lowest tenderer Sri.K.P.Madhusoodhanan has agreed to execute the work 5% over the sanctioned estimated rate. It is also stated in the report that the work is necessary for providing smooth and comfort traffic facilities to the devotees. The report of the Hon'ble Ombudsman would also show the Local Fund Audit has not raised any objection to the above report. Therefore the Hon'ble Ombudsman has suggested that the permission sought for may be granted by this Court.

4. In such circumstances, based on the recommendation made by the Hon'ble Ombudsman, the Travancore Devaswom Board is permitted to execute the work in question by awarding the contract to Sri.K.P.Madhusoodhanan 5% above the sanctioned estimate rate.

5. The work shall be executed under the supervision of the Maramath Wing and the Board shall submit periodical reports regarding the execution of the work before the Hon'ble Ombudsman once in every two months. It will be open to the Hon'ble

Ombudsman, if found necessary, to conduct an inspection of the work undertaken by the Board. Expenditure incurred for the work will be subject to audit, after the work is over.

D.B.P.No.19 of 2015 is allowed.

P.N.RAVINDRAN, JUDGE

ANIL K.NARENDRA, JUDGE

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