

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN  
&  
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

**FRIDAY, THE 25TH DAY OF SEPTEMBER 2015/3RD ASWINA, 1937**

**RP.No. 758 of 2015**  
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**WA 694/2015, DATED 22-07-2015**  
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**REVIEW PETITIONER(S)/RESPONDENT:**  
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**B.L.BIJULAL,  
S/O. V. BHARGAVAN, DIRECTOR,  
GREEN TOUCH FARM MEDIA & SUPPORT SERVICES,  
AGRI-CLINIC AND AGRI-BUSINESS CENTRE, KALYAN NAGAR,  
ARYASALA, MANACAUD P.O, THIRUVANANTHAPURAM - 09.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)  
SRI.D.KISHORE**

**RESPONDENT(S)/APPELLANTS:**  
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- 1. STATE OF KERALA,  
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,  
AGRICULTURE DEPARTMENT, GOVERNMENT SECRARIAT,  
THIRUVANANTHAPRUAM - 695 001.**
- 2. THE DIRECTOR OF AGRICULTURE,  
DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN,  
THIRUVANANTHAPURAM - 695 001.**
- 3. THE AGRICULTURAL PRODUCTION COMMISSIONER,  
GOVERNMENT OF KERALA,  
OFFICE OF THE AGRICULTURAL PRODUCTION  
COMMISSIONER, GOVERNMENT SECRARIAT,  
THIRUVANANTHAPRUAM - 695 001.**

**BY SPECIAL GOVERNMENT PLEADER SMT.GIRIJA GOPAL**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 25-09-2015,  
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONERS' ANNEXURES**  
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- A1: COPY OF THE ORDER OF REGULARISATION OF APPOINTMENT OF THE REVIEW PETITIONER AS AGRICULTURAL OFFICER
- A2: COPY OF LETTER NO.VC.52321/12 DATED 22/2/14 FROM THE DIRECTOR OF AGRICULTURE TO THE GOVERNMENT.
- A3: COPY OF LETTER NO.VC.52321/12 DATED 22/8/14 FROM THE DIRECTOR OF AGRICULTURE TO THE GOVERNMENT.
- A4: COPY OF THE PROCEEDINGS NO.168/SHM/11 DATED 31/3/14 OF MISSION DIRECTOR STATE HORTICULTURAL MISSION KERALA.
- A5: COPY OF THE PROCEEDINGS NO.144/SHM/10 DATED 22/11/10 OF MISSION DIRECTOR STATE HORTICULTURAL MISSION KERALA.
- A6: COPY OF THE PROCEEDINGS NO.144/SHM/10 DATED 20/3/2012 OF MISSION DIRECTOR STATE HORTICULTURAL MISSION KERALA.
- A7: COPY OF THE COMMISSION NO.TV(2)45267/12/ATMA DATED 7/8/12 FROM DIRECTOR OF AGRICULTURE TO THE ATMA PROJECT DIRECTORS OF ALL THE 14 DISTRICTS
- A8: COPY OF GOVT.ORDER NO.1038/2013/AGRI DATED 13/6/13 ENTRUSTING MEDIA WORK TO GREENTOUCH WITH ENGLISH TRANSLATION
- A9: COPY OF THE PROCEEDINGS NO.TP(1)35761/12 DATED 31/1/14 OF DIRECTOR OF AGRICULTURE
- A10: COPY OF RELEVANT PAGES OF AGRICULTURAL DEVELOPMENT POLICY DOCUMENT (MALAYALAM) 2015 OF GOVT.OF KERALA WHICH WAS PREPARED BY GREENTOUCH WITH ENGLISH TRANSLATION
- A11: COPY OF THE RELEVANT PAGES OF PUBLICATION SUCCESS STORIES OF AGRIPRENEURS BY MANAGE ORDER MINISTRY OF AGRICULTURE GOVT OF KERALA.

**RESPONDENTS' ANNEXURS**  
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NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ



**ASHOK BHUSHAN, CJ**

**&**

**A.M.SHAFFIQUE, J.**

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R.P.No.758 of 2015  
in W.A.No.694 of 2015

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Dated this the 25<sup>th</sup> day of September 2015

**ORDER**

**Ashok Bhushan, CJ**

This review petition has been filed praying for review of the judgment dated 22/07/2015 in W.A.No.694 of 2015. The Writ appeal was filed against the judgment dated 12/08/2014 in W.P.C.No.18584 of 2013 by which the learned Single Judge had allowed the writ petition setting aside the order of the Government cancelling the contract in favour of the petitioner. After considering the submissions of the parties on merits, the writ appeal has been allowed. While allowing the writ appeal, this court had also observed that it shall be open to the petitioner to take such remedy as available in law against the cancellation of the contract.

2. Learned counsel for the review petitioner now submits that the work has already been completed before the contract could be cancelled and admittedly he is entitled for payment of

the balance amount. It is further submitted that the Director of Agriculture has already recommended for such payment.

3. The learned counsel for the review petitioner submits that in the writ appeal, the issue which was considered by us was, as to whether the order of the Government cancelling the contract was justified and we had upheld the said order allowing the writ appeal.

4. The issue, as to whether the writ petitioner was entitled to receive the balance amount, was not the subject matter of the writ appeal, which was not considered in the writ appeal. We do not want to express any opinion on merits on the said issue and we do not think that any error has been committed by us while allowing the writ appeal. It is always open for the review petitioner to seek remedy for payment of the balance amount, as permissible under law.

With the above observation, this review petition is dismissed.

(sd/-)  
**(ASHOK BHUSHAN, CHIEF JUSTICE)**

(sd/-)  
**(A.M.SHAFFIQUE, JUDGE)**

R.P.No.758/2015  
in W.A.No.694/2015

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