

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 28TH DAY OF JANUARY 2015/8TH MAGHA, 1936

WP(C).No. 1314 of 2015 (L)

PETITIONER :

**B.REGHUKUMAR, AGED 62 YEARS
PWD CONTRACTOR, 'RADHALAYAM', TC 7/17/12
SREE CHITHRA NAGAR, PANGODE, THIRUMALA P.O.,
THIRUVANANTHAPURAM.**

BY ADV. SRI.AJITH KRISHNAN

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR,
COLLECTORATE, KUDAPPANAKUNNU,
THIRUVANANTHAPURAM-695005.**
- 2. THE EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, ROADS DIVISION
THIRUVANANTHAPURAM-695033.**
- 3. THE ADDITIONAL CHIEF SECRETARY,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI.K.C. VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: TRUE COPY OF THE SELECTION NOTICE D1-5286/13 DATED 22/10/2013
ISSUED BY THE EXECUTIVE ENGINEER.**

EXHIBIT-P2: TRUE COPY OF THE SCHEDULE ISSUED BY THE 2ND RESPONDENT.

**EXHIBIT-P3: TRUE COPY OF THE COVERING LETTER AND CHECK LIST OF THE
WORK ISSUED BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT.**

**EXHIBIT-P4: TRUE COPY OF THE DISCHARGE SUMMARY OF THE HOSPITAL
RECORD.**

**EXHIBIT-P5: TRUE COPY OF THE REPRESENTATION DATED 19/12/2014 TO THE
RESPONDENTS.**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.1314 of 2015

Dated this the 28th day of January, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

i) Issue a writ of mandamus or writ of similar nature or order or direction commanding the respondents to sanction and disburse the bill amount of Rs.9,49,981/- (Cheque amount) with respect to the work of The Disaster Management Flood Relief Fund 2012 Construction of Mynadu Jyothi Nagar LIC part of A Lane forthwith.

ii) Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the respondents to pay the interest at the rate of 15% of the amount due to the petitioner forthwith.

iii) Issue such other reliefs as this Hon'ble Court may deem fit and proper in the interest of justice."

2. The learned counsel for the petitioner submits that, the work awarded to the petitioner was completed on time to the satisfaction of all concerned and that the said work was under the emergency Disaster Management Flood Relief Scheme.

3. The grievance of the petitioner is with regard to the non-disbursement of the due amount, despite filing many representations. It is also stated that, the petitioner is suffering

from serious ailments and huge amounts have already been spent for treatment. Medical report has been produced as Ext.P4 in support of the said contention. Because of the delay on the part of the concerned respondent in disbursing the due amount, the petitioner is put to untold hardships, which made the petitioner to approach this Court by filing this writ petition, as Ext.P5 preferred before the 1st respondent has not been acted upon so far.

4. Heard the learned Government Pleader as well, who submits on instructions that the final bill has already been verified and placed before the 1st respondent herein for effecting the payment. It is also stated that, the payment will be effected to the petitioner without disrupting the seniority.

After hearing both the sides and also considering the particular facts and circumstances involving the serious ailments of the petitioner, necessitating immediate requirement of financial assistance, as supported by the medical records, this Court finds it fit and proper to direct the 1st respondent to consider Ext.P5 and to effect the disbursement of the due amount at the earliest, at any rate, within 'two months' from the date of

receipt of a copy of this judgment.

Petitioner shall produce a copy of this judgment, along with a copy of the writ petition, before the 1st respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

sp