

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No.3778 of 2015 (V)

PETITIONER:

**M/S.IRRIKKUR CONSTRUCTION COMPANY,
REP. BY ITS MANAGING PARTNER,K.T.ZIYAD,
S/O.MEMI HAJI,AGED 42 YEARS,
AMEENA MANZIL,P.O.IRRIKKUR,
KANNUR DISTRICT - 670 593.**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL
SRI.P.SAJU**

RESPONDENT'S:

- 1. STATE OF KERALA,REP. BY SECRETARY,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.**
- 2. SUPERINTENDENG ENGINEER,
PWD ROADS AND BRIDGES (NORTH) CIRCLE,
KOZHIKODE - 693 101.**
- 3. EXECUTIVE ENGINEER,PWD ROAD DIVISION,
KANNUR - 670 001.**
- 4. CHIEF ENGINEER,PWD ROAD AND BRIDGES,
THIRUVANANTHAPURAM - 695 001.**

R1 TO R4 BY GOVT. PLEADER SRI.T.PSAJID.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.3778 of 2015 (V)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:TRUE COPY OF THE AGREEMENT NO.SE(K) 54/2012-13 DATED 15/6/12.

**EXT.P2:TRUE COPY OF THE LETTER DATED 11/2/14 OF THE 4TH RESPONDENT
ADDRESSED TO THE 1ST RESPONDENT.**

**EXT.P3:TRUE COPY OF LETTER DTD 17/3/14 OF THE 1ST RESPONDENT
ADDRESSED TO THE 4TH RESPONDENT.**

EXT.P4:TRUE COPY OF TLETTER DATED 25.6.2014.

EXT.P5:TRUE COPY OF LETTER DATED 6/12/2014.

**EXT.P6:TRUE COPY ORDER DATED 16/7/12 OF THE 1ST RESPONDENT
ALLOWING THE REVISED SORS IN AN INDENTICAL CASE.**

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

P.S. TO JUDGE

pk

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 3778 of 2015

Dated this the 1st day of April, 2015

J U D G M E N T

Grievance of the petitioner is with regard to the rate difference in respect of the works allotted to the petitioner. The petitioner has sought for revision of the rates based on 2012 schedule, which has been declined as per Ext.P3 passed on 17.03.2014. It is contended that, under similar circumstance, the Government has issued similar orders granting rate revision as per Ext.P6 G.O. bearing No.G.O.(Rt) No.1277/2012/PWD dated 16.07.2012. The prayer is to cause the matter to be reconsidered.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides, this Court finds that, the disputed question of fact does not require to be considered by this Court invoking the jurisdiction under Article 226 of the Constitution of India. In view of the submission made from the part of the petitioner, that under similar circumstance, orders have already been passed by the Government vide Ext.P6, the matter has to be reconsidered in the light of Ext.P6 and such other relevant orders, to have a finality on the subject, more so,

when it is stated that the 4th respondent has recommended the rate of revision as per Ext.P2.

4. In the said circumstance, Ext.P3 is set aside. There will be a direction to the 1st respondent to reconsider Ext.P2 proposal submitted by the 4th respondent in the light of all the relevant records including Ext.P6, after affording an opportunity of hearing to the petitioner. It shall be done, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for further steps.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.