

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF FEBRUARY 2015/30TH MAGHA, 1936

WP(C).No. 4392 of 2015 (Y)

PETITIONER :

**JUSTIN K. GEORGE,
S/O. GEORGE, AGED 48 YEARS
PWD CONTRACTOR, KOTTUKAPPILLI HOUSE
IRITTY P.O., KANNUR DISTRICT.**

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

RESPONDENT(S) :

- 1. SUPERINTENDING ENGINEER
PWD, BUILDINGS (NORTH) CIRCLE, KOZHIKODE-693001.**
- 2. EXECUTIVE ENGINEER
PWD, BUILDINGS DIVISION, THALASSERY-670101.**
- 3. CHIEF ENGINEER
PWD, BUILDINGS, THIRUVANANTHAPURAM-695001.**
- 4. DIRECTOR
INSTITUTE OF HUMAN RESOURCE AND DEVELOPMENT
PRAJEO TOWERS, VAZHUTHAKKAD
THIRUVANANTHAPURAM-695001.**
- 5. PRINCIPAL SECRETARY
FINANCE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 6. STATE OF KERALA
REPRESENTED BY SECRETARY,
PUBLIC WORKS DEPARTMENT
THIRUVANANTHAPURAM-695001.**

R1 TO R6 BY SR. GOVT. PLEADER SRI. T.P. SAJID

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 4392 of 2015 (Y)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE RELEVANT PORTIONS OF AGREEMENT DATED 6.5.2011 ENTERED INTO WITH 1ST RESPONDENT.**
- EXHIBIT P2: TRUE COPY OF THE LETTER DATED 24.4.2012 OF 3RD RESPONDENT ADDRESSED TO R5 AND R6.**
- EXHIBIT P3: TRUE COPY OF SUPPLEMENTAL AGREEMENT DATED 23.8.2013 FOR THE EXTRA WORKS.**
- EXHIBIT P4: TRUE COPY OF LAWYER NOTICE DATED 7.1.2014 ISSUED TO 5TH RESPONDENT.**
- EXHIBIT P5: TRUE COPY OF LETTER DATED 8.8.2014 OF R3 TO F5 FOR ADDITIONAL FUNDS.**
- EXHIBIT P6: TRUE COPY OF THE LETTER DATED 22.9.2014 OF R3 TO R6.**
- EXHIBIT P7: TRUE COPY OF THE LETTER DATED 23.12.2014 OF R2 TO R3.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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P.R.RAMACHANDRA MENON, J.

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W.P.(C) No.4392 OF 2015

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Dated this the 19th day of February, 2015

JUDGMENT

The petitioner who is a P.W.D contractor came to be successful in respect of a particular tender item and was awarded the work covered by Ext.P1 agreement dated 06.05.2011. There was a supplementary agreement as borne by Ext.P3 dated 23.08.2013, in connection with some extra work.

2. According to the petitioner, it was a deposit work by virtue of which necessary fund has already been earmarked/allocated and deposited by the concerned respondents. The work was completed to the satisfaction of all concerned and the petitioner submitted the final bill, which has been processed and forwarded as per Ext.P7 communication dated 23.12.2014 issued by the 2nd respondent to the 3rd respondent. A request has been made to allot 'special letter of credit' to the tune of Rs.11,92,201/- for making payment to the

petitioner. It is also brought to the notice of this Court that the 3rd Respondent/Chief Engineer has also moved the State by submitting Ext.P6 dated 22.09.2014 to issue 'letter of credit' to the tune of Rs.11,92,201/- in favour of the 2nd respondent/Executive Engineer, at the earliest. Still, nothing has taken place in the positive, which made the petitioner to approach this Court by filing this writ petition.

3. Heard the learned Government Pleader as well.

4. In so far as there is no dispute with regard to the completion of the work and the eligibility of the petitioner to obtain the due amount, there will be a direction to the respondents to take all further steps to finalise the proceedings forming the subject matter of Exts.P6 and P7 and due payment shall be released to the petitioner, at the earliest, at any rate, within a period of 'three months' from the date of receipt of a copy of this judgment. The writ petition is disposed of accordingly.

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

Sd/-
P.R.RAMACHANDRA MENON
JUDGE

//true copy//

P.S. to Judge

St/-