

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 5568 of 2015 (U)

PETITIONER(S):

1. **GOPINATHAN NAIR,**
PWD CONTRACTOR, SOWPARNIKA, TC 9/1901(1),
EDAVAKODE, SREEKARIYAM P.O., THIRUVANANTHAPURAM.
2. **R.PADMAKUMAR,**
PWD CONTRACTOR, INDIRA BHAVAN, KOTTAMUGHAL,
NALANCHIRA P.O., THIRUVANANTHAPURAM - 695 015.
3. **N.D.RAJESH,**
PWD CONTRACTOR, PADINJATTIL HOUSE, CHERIYAKONNI,
CHERIYAKONNI P.O., THIRUVANANTHAPURAM - 695 013.
4. **K.G.BABU,**
PWD CONTRACTOR, BABU VILAS, PEYAD P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.AJITH KRISHNAN

RESPONDENT(S):

1. **THE STATE OF KERALA,**
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
PUBLIC WORKS DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. **THE CHIEF ENGINEER,**
PUBLIC WORKS DEPARTMENT, BUILDINGS AND LOCAL WORKS,
PUBLIC OFFICE, THIRUVANANTHAPURAM - 695 033.
3. **THE SUPERINTENDING ENGINEER,**
PWD BUILDINGS AND LOCAL WORKS SOUTH CIRCLE,
PUBLIC OFFICE, THIRUVANANTHAPURAM - 33.
4. **THE EXECUTIVE ENGINEER,**
PWD SPECIAL BUILDINGS DIVISION,
THIRUVANANTHAPURAM - 33.

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- 5. THE ASSISTANT EXECUTIVE ENGINEER,
PWD SPECIAL BUILDINGS SUB DIVISION,
THIRUVANANTHAPURAM - 33.**
- 6. THE ADDITIONAL CHIEF SECRETARY,
FINANCE DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**

BY SENIOR GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF THE WORK SCHEDULE FOR THE 1ST WORK ISSUED BY THE RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P2. TRUE COPY OF THE WORK SCHEDULE FOR THE 2ND WORK ISSUED BY THE RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P3. TRUE COPY OF THE WORK SCHEDULE FOR THE 3RD WORK ISSUED BY THE RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P4. TRUE COPY OF THE WORK SCHEDULE FOR THE 4TH WORK ISSUED BY THE RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P5. TRUE COPY OF THE WORK SCHEDULE FOR THE 5TH WORK ISSUED BY THE RESPONDENT TO THE 1ST RESPONDENT.
- EXHIBIT P6. TRUE COPY OF THE QUOTATION SCHEDULE ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.
- EXHIBIT P7. TRUE COPY OF THE QUOTATION SCHEDULE ISSUED BY THE 4TH RESPONDENT TO THE 3RD PETITIONER.
- EXHIBIT P8: TRUE COPY OF THE QUOTATION SCHEDULE ISSUED BY THE 5TH RESPONDENT TO THE 4TH RESPONDENT.
- EXHIBIT P9: TRUE COPY OF THE LIST OF WORK FOR PAYMENT ISSUED BY THE 2ND RESPONDENT TO 1ST RESPONDENT.
- EXHIBIT P10: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE FIRST PETITIONER TO THE RESPONDENTS.
- EXHIBIT P11: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND PETITIONER TO THE RESPONDENTS.
- EXHIBIT P12: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 3RD PETITIONER TO THE RESPONDENTS.
- EXHIBIT P13: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 4TH PETITIONER TO THE RESPONDENTS.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.5568 of 2015

Dated this the 24th day of March, 2015

JUDGMENT

Petitioners are PWD Contractors, who are awarded certain emergent works in connection with the visit of the Hon'ble President of India on 18.07.2014 and the Hon'ble Defence Minister of India. The work assigned to the petitioners were completed on war footing after arranging funds from different corners. The work was completed to the satisfaction of all concerned. It is stated that, as per Ext.P9, the administrative sanction was given for all the works and the final bills submitted by the petitioners were forwarded for sanction and disbursement. It is also stated that, after deduction of the statutory payments, the amounts payable to the petitioners are about Rs.41,52,474/- (Rupees Forty one lakhs fifty two thousand four hundred and seventy four only), Rs.14,25,885/-(Rupees Fourteen lakhs twenty five thousand eight hundred and eighty five only), Rs. 7,40,852/-

(Rupees Seven lakhs forty thousand eight hundred and fifty two only) and Rs.26,577/- (Rupees Twenty six thousand five hundred and seventy seven only) respectively. It is stated that, there is no factual dispute with regard to the eligibility of the petitioners. The petitioners are constrained to approach this Court, as the request made by them to disburse the due amount have fell in deaf ears, more so since no positive result has been attained, despite filing many any representations in this regard.

2. Heard the learned Government Pleader as well.

3. After hearing both the sides and after considering the materials on record, this Court finds that by virtue of the nature of the work assigned to the petitioners has been completed by them on time, the proceedings required to be finalised within a shortest possible time so as to facilitate disbursement of the due amount to the petitioners.

4. In the said circumstances, there will be a direction to the respondents to take further steps and to effect disbursement of the amount actually due to the petitioners in accordance with law, at the earliest, at any rate, within 'three months' from the

date of receipt of a copy of this judgment.

Petitioners shall produce a copy of this judgment, along with a copy of the writ petition, before the respondents, for further steps.

The writ petition is disposed of.

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

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