

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

WP(C).No. 7275 of 2015 (H)

PETITIONER(S):

**P.RADHAKRISHNAN,
SREE LAKSHMI, ALAKKATTUKONAM, KUNNATHUKAL
KARAKONAM PO, THIRUVANANTHAPURAM 695 504.**

BY ADV. SRI.BRIJESH MOHAN

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY, PUBLIC WORKS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 2. THE ADDITIONAL CHIEF SECRETARY
FINANCE DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695001.**
- 3. THE CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT, BUILDINGS DIVISION
THIRUVANANTHAPURAM 695001.**
- 4. THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT, BUILDINGS DIVISION
THIRUVANANTHAPURAM 695001.**

BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: PHOTOCOPY OF ORDER GO(MS) NO.672/13/H.EDN. DATED
30.10.2013 ISSUED BY THE GOVERNMENT**
- EXHIBIT P2: PHOTOCOPY OF INVITATION CARD WITH RESPECT TO THE
INAUGURAL FUNCTIO OF THE KULATHUR GOVERNMENT ARTS AND
SCIENCE COLLEGE,DATED 10.12.2013**
- EXHIBIT P3: PHOTOCOPY OF LETTER NO.F B3/304/2015 DATED 21.1.2015 SENT TO
THE 2ND RESPONDENT BY THE 3RD RESPONDENT**
- EXHIBIT P4: PHOTOCOPY OF LETTER DATED 9.1.2015 FROM THE LOCAL MLA TO
THE HONOURABLE CHIEF MINISTER OF KERALA**
- EXHIBIT P5: PHOTOCOPY OF LETTER, REG.NO.24/BSE/2013-14 DATED 13.1.2015
ISSUED BY THE PETITIONER TO THE HON'BLE CHIEF MINISTER**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.7275 of 2015

Dated this the 9th day of March, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

- i. Call for the records relating to the bill.*
- ii. Issue a writ or mandamus or any other appropriate writ, order or direction, directing the respondents to restore seniority for passing the bill to December, 2013.*
- iii. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondents to consider Ext.P5 and immediately make the payment of final bill amount to the petitioner within 2 weeks as suggested in Ext.P3 letter sent by 3rd respondent to the 2nd respondent.*
- iv. Issue a writ of mandamus or any other appropriate writ, order or direction, directing respondents to order provisional payment of Rs.40,88,176/- to the petitioner by including the bill in general category "others" as mentioned in Ext.P3.*

2. The learned Senior Counsel appearing for the petitioner points out that the petitioner was awarded the work to construct a Technical High School at Kulathur in Neyyattinkara and the

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work was completed by the petitioner to the satisfaction of all concerned.

3. But the course of time, there was some rearrangement at the administrative level, so as to cause the School to be converted as a College in the name and style as 'Government Arts and Science College' with regard to which the petitioner does not have any involvement. It is also brought to the notice of this Court that in connection with the change, as aforesaid, some deviations were to be effected, which is also complied with and completed by the petitioner to the satisfaction of all concerned. But on submitting the final bill, the petitioner has been intimated that he will be granted seniority for effecting disbursement only with reference to the date of completion of the College and not with reference to the completion of the structure as originally needed for the school.

4. The learned Government Pleader appearing for the respondents submits that the version of the petitioner as such is not correct and that there was some delay on the part of the petitioner with regard to resubmission of the bill after curing the defects.

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5. It is however brought to the notice of this Court that the grievance of the petitioner has already been projected by way of Ext.P5 which is pending consideration before the first respondent and that the prayer is to cause the same to be considered in the light of Ext.P3 recommendation given by the third respondent.

6. In the above circumstances, this writ petition is disposed of, directing the first respondent to consider and pass appropriate orders on Ext.P5, in the light of Ext.P3 and such other relevant materials, after calling for a report from the second respondent and pass appropriate orders at the earliest, at any rate, before the end of the current financial year.

The writ petition is disposed of accordingly.

The petitioner shall produce a copy of this judgment along with a copy of the writ petition complete in all aspects before the first respondent for further steps.

Sd/-
P.R.RAMACHANDRA MENON,
JUDGE.

rkc.