

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 9713 of 2015 (L)

PETITIONER(S):

**C.Y.JOSE, AGED 49,
S/O. YACOB, CHERUPPILLY HOUSE, MALAYATTOOR KARA,
MALAYATOOR VILLAGE, ALUVA TALUK-683 587.**

**BY ADVS.SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. PRINCIPAL SECRETARY,
FINANCIAL DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 3. PRINCIPAL SECRETARY, FINANCIAL DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 4. PRINCIPAL SECRETARY,
PUBLIC WORKS DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-695 001.**
- 5. EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT, BUILDING DIVISION,
THRISSUR-695 001.**
- 6. EXECUTIVE ENGINEER
LOCAL SELF GOVERNMENT DEPARTMENT,
THRISSUR-680 003.**
- 7. THE CHIEF ENGINEER,
LOCAL SELF GOVERNMENT ENGINEERING WING
PUBLIC WORKS COMPOUND, VELLAYAMBALAM,
THIRUVANANTHAPURAM-695 001.**

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**8. EXECUTIVE ENGINEER,
LOCAL SELF GOVERNMENT DEPARTMENT.
ENGINEERING WING DISTRICT PANCHAYATH OFFICE,
THRISSUR-680 003.**

**9. T.N. PRATHAPAN MLA,
KONDUGALLOOR CONSTITUTANCY, KODUNGALLOOR P.O.**

R1 TO R8 BY SENIOR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ADMINISTRATIVE SANCTION GRANTED TO THE WORK BY THE LOCAL SELF GOVERNMENT (DB) DEPARTMENT BEARING NO.GO(RT) 737/13 LSGD DATED 22.3.2013.

EXHIBIT P2: TRUE COPY OF LETTER SEND TO THE PETITIONER BY THE 5TH RESPONDENT BEARING NO. D7-1350/13 DATED 01.8.2013.

EXHIBIT P3: TRUE COPY OF LETTER SENT BY THE 5TH RESPONDENT TO THE UNDER SECRETARY PUBLIC WORKS (E) DEPARTMENT BEARING NO. D7-1350/2013 DATED 26.3.2014.

EXHIBIT P4: TRUE COPY OF LETTER SENT BY ADDITIONAL CHIEF SECRETARY (FINANCE) TO THE CHIEF ENGINEER LSG ENGINEERING WING, THIRUVANANTHAPURAM ON 03.6.2014 BEARING NO.33397/N.C -B3/2014 FIN.

EXHIBIT P5: TRUE COPY OF GOVERNMENT CIRCULAR NO.54/2014/FIN DATED 03.6.2014.

EXHIBIT P6: TRUE COPY OF LETTER SENT BY 5TH RESPONDENT TO THE SUPERINTENDING ENGINEER, PWD (BUILDINGS) CENTRAL CIRCLE, THRISSUR BEARING NO.D7-1350/13 DATED 18.6.2014.

EXHIBIT P7: TRUE COPY OF LETTER SENT BY 5TH RESPONDENT BEARING NO.D7-1350/13 DATED 04.8.2014 TO THE CHIEF ENGINEER, PWD (BUILDING DIVISION) THIRUVANANTHAPURAM.

EXHIBIT P8: TRUE COPY OF LETTER SENT BY 5TH RESPONDENT TO THE 8TH RESPONDENT ON 08.8.2014 NO.D7- 1350/13.

EXHIBIT P9: TRUE COPY OF LETTER SENT BY THE PETITIONER TO THE CHIEF ENGINEER, PWD (BUILDING DIVISION) THIRUVANANTHAPURAM ON 26.8.2014 .

EXHIBIT P10: TRUE COPY OF LETTER SENT BY 5TH RESPONDENT TO THE 8TH RESPONDENT ON 25.10.2014 BEARING NO.D7- 1350/13.

EXHIBIT P11: TRUE COPY OF LETTER SENT BY 5TH RESPONDENT TO THE 8TH RESPONDENT ON 02.12.2014 BEARING NO.D7-1350/13.

EXHIBIT P12: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT ON 03.3.2015.

EXHIBIT P13: TRUE COPY OF NOTICE NO.23124/E2/2014/PWD DTD.20.3.2015 ISSUED TO THE PETITIONER.

Msv/

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RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.9713 OF 2015
.....

Dated this the 9th April, 2015

J U D G M E N T

Grievance of the petitioner is mainly with regard to non disbursement of the due amount in respect of the work already completed because of inter-departmental dispute among three different departments. The prayers are in the following terms:

"i) to issue appropriate directions to the respondents in the form of a writ of mandamus or any other appropriate writ order or direction to pay and close the accounts of the petitioner as per the 1st and 2nd part bill and final bill of Exhibit P1 work within a time limit.

ii) to declare that the petitioner in the circumstances is entitled to get interest for the belated payments at the rate at which scheduled banks are lending amounts for commercial purposes and direct 5th respondent to pay the amounts as per the bills together with interest at the above rate.

Iii) to grant such other reliefs which this Hon'ble Court deems fit and proper in the circumstances of the case. "

2. It is stated that the petitioner has already moved the first respondent/State represented by Chief Secretary by filing

Ext.P12 representation dated 03.03.2015. It is also brought to the notice of this Court that pursuant to filing of Ext.P12, the Chief Secretary has already convened a conference of authorities of the various departments. The prayer is to cause Ext.P12 to be considered and disposed of at the earliest.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief pressed before this Court, it is not necessary to adjudicate the issue on merits. Accordingly, the writ petition is disposed of directing the first respondent to consider Ext.P12 application, at the earliest, at any rate, within three months from the date of receipt of a copy of the judgment, after affording an opportunity of hearing to the petitioner. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the first respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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