

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DAMA SESHADRI NAIDU

FRIDAY, THE 17TH DAY OF APRIL 2015/27TH CHAITHRA, 1937

WP(C).No. 10609 of 2015 (A)  
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PETITIONER : -  
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P.ASSAN HAJI, AGED 49 YEARS,  
S/O.MOIDEEN KUTTY HAJI,  
PWD CONTRACTOR, PULLAT HOUSE,  
VENGARA

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

RESPONDENTS : -  
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1. SUPERINTENDING ENGINEER,  
PWD ROADS AND BRIDGES NORTH CIRCLE,  
KOZHIKODE – 673 001.
2. THE CHIEF ENGINEER,  
PWD ROADS AND BRIDGES,  
THIRUVANANTHAPURAM – 695 001.
3. STATE OF KERALA,  
REPRESENTED BY SECRETARY,  
PUBLIC WORKS DEPARTMENT,  
THIRUVANANTHAPURAM – 695 001.

ADDL. R4 IMPEADED

ADDL. R4. EXECUTIVE ENGINEER,  
PWD ROADS DIVISION,  
MANJERI.  
(IMPEADED AS PER ORDER DATED 31.03.2015 IN I.A. No. 4946/15).

BY Sr. GOVERNMENT PLEADER SMT. C.K. SHERIN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17-04-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 10609 of 2015 (A)  
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**APPENDIX**

PETITIONER'S EXHIBITS : -  
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EXHIBIT P1 : TRUE COPY OF SELECTION NOTICE DATED 09.02.2015 OF FIRST  
RESPONDENT.

EXHIBIT P2 : TRUE COPY OF THE BILL PENDING WITH FIRST RESPONDENT.

EXHIBIT P3 : TRUE COPY OF JUDGMENT DATED 12.02.2015 IN WP(C)  
NO.32896/2014.

RESPONDENTS' EXHIBITS : - NIL.  
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// TRUE COPY //

P.A. TO JUDGE

DMR/-

**DAMA SESHADRI NAIDU, J.**

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**W.P.(c) No. 10609 of 2015**  
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Dated this the 17<sup>th</sup> day of April, 2015

**JUDGMENT**

The petitioner has approached this Court with the following prayers :

“(i) Issue a writ of mandamus or any order direction to the respondent to accept the amount covered by Exhibit P2 pending Bill security to enable the petitioner to execute agreement for Exhibit P1 work.

(ii) Issue any other order or direction, this Hon'ble Court deems fit and proper under the facts and circumstances of the case.”

2. The learned counsel for the petitioner submits that the issue involved in this case squarely covered by the judgment dated 20.01.2003 in O.P. No. 1943 of 2003.

3. On going through the pleadings and proceedings, this Court finds that there is no reason to take a deviation from the aforesaid judgment. The observation in paragraph 2 of the said judgment is relevant, which reads as follows:

“ 2. This O.P. Is filed for a direction to the second respondent to adjust the amounts due to the petitioner for completed works towards security deposit for new work being awarded. The second respondent is directed to make arrangement for adjustment of so much of the amount from amounts due to the petitioner towards security deposit and ensure that the amount transferred to security deposit account is not withdrawn by the petitioner except in accordance with the terms of the new contract. Time for execution of the agreement is extended by two weeks.”

4. In the said circumstances, the respondents are directed to adjust the appropriate extent of amount covered by Exhibit P2 towards the security deposit for execution of the work awarded under Exhibit P1.

Petitioner shall produce a copy of this judgment along with copy of the writ petition before the concerned respondent for further steps.

With the above observation, this writ petition is disposed of.

**DAMA SESHADRI NAIDU  
JUDGE**

DMR/-