

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. 11341 of 2015 (P)

PETITIONER(S):

**K.GOPAKUMAR, S/O.P.KUMARAN, PRESIDENT,
KOLLAM CIVIL CONSTRUCTION LABOUR
CONTRACTORS CO-OPERATIVE SOCIETY LTD.NO.Q 1353,
KAVANADU P.O, KOLLAM DISTRICT, PIN-691 003.**

**BY ADVS.SRI.BABU JOSEPH KURUVATHAZHA
SRI.P.T.ABHILASH**

RESPONDENT(S):

- 1. SUPERINTENDING ENGINEER,
IRRIGATION, SOUTH CIRCLE,
THIRUVANANTHAPURAM-695 004.**
- 2. EXECUTIVE ENGINEER,
IRRIGATION DIVISION, KOLLAM-691 001.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION SUB DIVISION, CHAVARA,
KOLLAM-691 583.**

BY GOVERNMENT PLEADER SRI.MOHAMED SALAM

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

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT P1 : TRUE PHOTO COPY OF THE LETTER DATED 28.2.2012 ISSUED TO THE PETITIONER BY THE SECRETARY, CITU.
- EXT P2 : TRUE PHOTO COPY OF THE LETTER DATED 29.2.2012 ISSUED TO THE PETITIONER BY THE SECRETARY, UTUC.
- EXT P3 : TRUE PHOTO COPY OF THE LETTER DATED 29.2.2012 SUBMITTED TO THE PETITIONER BY THE SECRETARY, AITUC.
- EXT P4 : TRUE PHOTO COPY OF THE DEMAND NOTICE DATED 23.5.2012 SUBMITTED TO THE PETITIONER BY THE SECRETARY, CITU (ANTI SEA EROSION WING).
- EXT P5 : TRUE COPY OF THE ORDER DATED 17.8.2012 ISSUED BY THE DEPUTY LABOUR OFFICER, KOLLAM.
- EXT P6 : TRUE COPY OF THE ORDER DATED 29.9.2012 ISSUED BY THE DISTRICT LABOUR OFFICER KOLLAM.
- EXT P7 : TRUE COPY OF THE REPRESENTATION DATED 30.9.2012 SUBMITTED BY THE PETITIONER BEFORE THE SUB INSPECTOR OF POLICE, CHAVARA POLICE STATION.
- EXT P8 : TRUE COPY OF THE ORDER DATED 4.3.2013 IN H.L.A NO.12/2012 ISSUED BY THE APPELLATE AUTHORITY UNDER THE PAYMENT OF GRATUITY ACT, 1972.
- EXT P9 : TRUE COPY OF THE REPRESENTATION DATED 19.2.2013 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT P10 : TRUE COPY OF THE JUDGMENT DATED 21.5.2013 IN WPC.NO.11466/2013 OF THIS HON'BLE COURT.
- EXT P11 : TRUE COPY OF THE ORDER NO.D5-3825/2011/ISC DATED 5.9.2013 ISSUED BY THE 1ST RESPONDENT.
- EXT P12 : TRUE COPY OF THE PROCEEDING DATED 29.1.2014 ISSUED BY THE CHIEF ENGINEER, IRRIGATION AND ADMINISTRATION , THIRUVANANTHAPURAM.
- EXT P13 : TRUE COPY OF THE ORDER NO.D5-3825/2011/SE/ISC DATED 30.1.2014 ISSUED BY THE 1ST RESPONDENT.
- EXT 13(A): TRUE COPY OF THE CLOSURE AGREEMENT NO.71/SE/ISC/2013-14 DATED 30.1.2014 EXECUTED BETWEEN THE PETITIONER AND 1ST RESPONDENT.
- EXT P14 : TRUE COPY OF THE REPRESENTATION DATED 2.3.2015 SUBMITTED BY THE PETITIONER BEFORE THE 1ST AND 2ND RESPONDENTS.

RESPONDENT(S)' EXHIBITS:

- NIL

/TRUE COPY/

P.A. TO JUDGE

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.11341 of 2015

Dated this the 9th day of April, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to consider and dispose of Ext.P14 representation forthwith;

ii. Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to record the measurements of the works executed by the petitioner, and the materials arranged at the site, in pursuance to agreement No.53/ SE/ISE/2011-12 dated 14.02.2012, with notice to the petitioner and to release the admitted bill amount and security deposit, in terms of Exts.P11 to P13(a) forthwith; and

iii. Issue such other writ, order or direction which may deem fit in the facts and circumstances of the case."

2. Heard the learned counsel for the petitioner as well as the learned Government Pleader.

3. Pursuant to the Ext.P10 judgment passed by this Court in WP(C) No.11466 of 2013 preferred by the petitioner in the earlier round of litigation, the matter was considered and Ext.P13 order

dated 30.01.2014 was passed. Ext.P13(a) is a copy of the closure agreement dated 30.01.2014. The petitioner, being aggrieved of the proceedings, has already moved the respondents 1 and 2 by filing Ext.P14 and the prayer is to cause the same to be considered and disposed of within a reasonable time.

4. Heard the learned Government Pleader as well, who submits that Ext.P14 could be considered and disposed of within the shortest possible time.

5. In the said circumstances, the 1st respondent is directed to consider Ext.P14 and pass appropriate orders in accordance with law, after giving an opportunity of hearing to the petitioner, at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of this judgment, along with a copy of this judgment, before the 1st respondent, for further steps.

The writ petition is disposed of.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

sp