

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 22ND DAY OF JUNE 2015/1ST ASHADHA, 1937

WP(C).No.13071 of 2015 (H)

PETITIONER:

**LONAPPAN K.K,PWD CONTRACTOR,
KATTUKARAN HOUSE,P.O.ANNAMANDA,
THRISSUR DISTRICT,PIN:680741.**

**BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI**

RESPONDENT'S:

- 1. THE CHIEF ENGINEER,
HARBOR ENGINEERING DEPARTMENT,
MANACAUD P.O.,THIRUVANANTHAPURAM,PIN:695009.**
- 2. THE SUPERINTENDING ENGINEER,
HARBOR ENGINEERING CENTRAL CIRCLE,
PARAMARA ROAD,ERNAKULAM,PIN:682018.**
- 3. THE EXECUTIVE ENGINEER,HARBOR ENGINEERING,
(ERNAKULAM DIVISION),PALLIPORT P.O.,
MUNAMBAM,ERNAKULAM DISTRICT,PIN:683515.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER,
HARBOR ENGINEERING SUB DIVISION,
CHETTUVA HARBOR,CHETTUVA,THRISSUR,PIN:680616.**
- 5. THE ASSISTANT ENGINEERING,HARBOR ENGINEERING SECTION,
CHETTUVA HARBOR,CHETTUVA,THRISSUR,PIN:680616.**
- 6. STATE OF KERALA,REP. BY SECRETARY,
FISHERIES (B) DEPARTMENT,SECRETARIAT,
THIRUVANANTHAPURAM-695001.**

BY GOVT. PLEADER SMT.C.K.SHERIN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No.13071 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:

**EXHIBIT P1: A TRUE COPY OF THE LETTER DATED 22.12.2014 OF THE 3RD
RESPONDENT TO THE 2ND RESPONDENT RECOMMENDING THE
RELEASE OF SECURITY DEPOSIT AFTER EXECUTING NECESSARY
BOND AGREEMENT.**

**EXHIBIT P2: A TRUE COPY OF THE ORDER OF THE PRINCIPAL SECRETARY TO
GOVERNMENT DATED 26.11.2014 GRANTING ADMINISTRATIVE
SANCTION FOR THE WORK EXECUTED BY THE PETITIONER.**

**EXHIBIT P3: A TRUE COPY OF THE REPRESENTATION DATED 2.3.2015
ADDRESSED TO THE 1ST RESPONDENT.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. VINOD CHANDRAN, J.

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W.P.(C) No.13071 of 2015 - H

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Dated this the 22nd day of June, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that he has not been paid the bills, even according to the sanction granted by the department. The petitioner was awarded with a work notified by the Harbor Engineering Department for which an agreement was signed on 23.05.2013. The work commenced on 01.06.2013. While so the department entrusted four other connected works which also had to be completed with expediency; to the petitioner but however, without an administrative sanction.

2. The department had sought for administrative sanction which has now been received by Ext.P2; though the amount sanctioned is not to the expectation and claim of the petitioner. In any event, now the entire work those which had

administrative sanction earlier itself and which did not have administrative sanction earlier, has been completed on 31.03.2014.

3. The learned Government Pleader raises an objection that the work was not completed within the period for which it was tendered. The petitioner however would contend that it was only because of the additional work that the work could not be completed within time. In any event, these are all matters which have to be thrashed out by the petitioner and the department before the appropriate authority of the department itself. However, the entire work entrusted to the petitioner has received the administrative sanction by Ext.P2. The work also stands concluded. If that is to the satisfaction of the department, then this Court does not find any reason why payment should be kept pending.

4. In this context, the counter affidavit of the respondent raises an objection that the petitioner has not

executed the agreement for the work which has received post-facto administrative sanction. In such circumstance, the petitioner shall appear before the 3rd respondent on 30.06.2015. The necessary agreement shall be executed. The disbursal of the sanctioned amounts shall be made in a time bound manner expeditiously at any rate within one month from the date of execution of the agreement. The objections with respect to the additional claim of the petitioner over and above that sanctioned in Ext.P2 shall be considered in accordance with law and the objections of the petitioner shall also be taken into account while considering the same.

The writ petition is disposed of with the above observations.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //

P.A to Judge.