

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 15TH DAY OF OCTOBER 2015/23RD ASWINA, 1937

WP(C) .No. 18007 of 2015 (A)

PETITIONER(S) :

SAFARUDHEEN I. ,
AGED 42 YEARS, S/O. ISMAIL KUNJU,
R.B.MANZIL, CHOLAPANMANA,
PUTHENCHANTHA P.O., PANMANA, CHAVARA,
KOLLAM - 690 587.

BY ADVS.SRI.P.K.IBRAHIM
SMT.K.P.AMBIKA
SMT.A.A.SHIBI
SMT.M.K.SAMYUKTHA

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
FINANCE (VWG) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE SECRETARY,
FISHERIES & PORT (E) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
3. THE CHIEF ENGINEER,
HARBOUR ENGINEERING DEPARTMENT,
THIRUVANANTHAPURAM - 695 001.
4. THE SUPERINTENDING ENGINEER,
HARBOUR ENGINEERING SOUTH CIRCLE, KAMALESWARAM,
MANACAUD P.O., THIRUVANANTHAPURAM - 9.
5. THE EXECUTIVE ENGINEER,
HARBOUR ENGINEERING DIVISION, ASRAMAM,
KOLLAM - 691 002.

BY GOVERNMENT PLEADER SRI. MANOJ P. KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 - TRUE COPY OF THE COMMUNICATION NO. D1-2261/2012/SE DT. 20.7.12 OF THE 4TH RESPONDENT ACCEPTING THE TENDER OF THE PETITIONER.
- EXT. P2 - TRUE COPY OF THE PROCEEDINGS NO. D2/5734/2012/CE DT. 31.3.14 OF THE 3RD RESPONDENT GRANTING APPROVAL TO THE REVISE ESTIMATE.
- EXT. P3 - TRUE COPY OF THE COMMUNICATION DT. 10.4.14 ADDRESSED TO THE 4TH RESPONDENT.
- EXT. P4 - TRUE COPY OF THE ORDER NO. GO(RT) NO. 272/2012/F&PD DT. 27.3.12 AND THE ERRATUM ORDER NO. GO(RT) NO. 335/2012/F&PD. DT. 09.4.12.
- EXT. P5 - TRUE COPY OF THE LETTER ADDRESSED TO RESPONDENTS 2 AND 3 DT. 10.9.14.
- EXT. P6 - TRUE COPY OF THE SAID REPRESENTATION DT. 18.9.14.
- EXT. P7 - TRUE COPY OF THE JUDGMENT DT. 31.10.14 IN WPC NO. 25620/14.
- EXT. P8 - TRUE COPY OF THE LETTER DT. 16.3.15 ADDRESSED TO THE 5TH RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.18007 of 2015

Dated this the 15th day of October, 2015

JUDGMENT

The petitioner constructed two auction halls at Jonakapuram and port Kollam as a part of developing Kollam port. It appears that this work was not included in the budgetary allocation. The petitioner has approached this Court on account of delay in disbursing final bill.

2. It is admitted that the petitioner has been paid part payment based on the directions of this Court.

3. Learned Government Pleader, on instructions, submits that since it was not included in budgetary allocation, the third respondent has forwarded the final bill to the first respondent, the matter is pending for sanction and for fund allocation.

This Court is of the view, the first respondent shall grant necessary budgetary allocation within two months from the date of receipt of a copy of this judgment. Thereafter, disburse the entire amount to the petitioner within a further period of two months. If it

is not possible to disburse the amount overlooking the seniority, then, it shall be released to the petitioner reckoning seniority as on 31.3.2015.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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