

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 23RD DAY OF JULY 2015/1ST SRAVANA, 1937

WP(C).No. 18683 of 2015 (I)

PETITIONER :

**K.V. GEORGE, S/O.VARGHESE, AGED 56 YEARS,
CONTRACTOR, KANAMPURAM HOUSE,
MURIVILANGU, VILANGU P.O., EDATHALA - VIA,
ALUVA, ERNAKULAM DISTRICT, PIN - 683 561.**

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

RESPONDENTS:-

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF PUBLIC WORKS, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. SUPERINTENDING ENGINEER,
HABOUR ENGINEERING CENTRAL CIRCLE, 2ND FLOOR,
KOCHI CORPORATION SHOPPING COMPLEX - CUM - OFFICE BUILDING,
HAJEE K.C.M. MATHER ROAD, ERNAKULAM, KOCHI - 682 018.**
- 3. EXECUTIVE ENGINEER,
PUBLIC WORKS DEPARTMENT (ROADS DIVISION),
THRIKKAKARA, ERNAKULAM, KOCHI - 682 021.**

**BY STATE ATTORNEY SRI.P.MJAYARAGHAVAN
BY GOVERNMENT PLEADER SRI.S.ABDUL SALAM**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. TRUE COPY OF SELECTION NOTICE DATED 09.06.2015 ISSUED BY THE 2ND RESPONDENT.**
- EXHIBIT P2. TRUE COPY OF THE CIRCULAR DATED 07.03.2013 ISSUED BY THE 1ST RESPONDENT.**
- EXHIBIT P3. TRUE COPY OF THE ORDER DATED 02.12.2014 OF THE 3RD RESPONDENT.**
- EXHIBIT P4. TRUE COPY OF THE DETAILS OF THE PAYMENTS DUE TO THE PETITIONER.**
- EXHIBIT P4(A). TRUE COPY OF THE REPRESENTATION DATED 15.06.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- EXHIBIT P5. TRUE COPY OF THE REPRESENTATION DATED 18.06.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS AND ANNEXURES:

ANNEX R2(A) COPY OF THE ORDER VIDE NO.D2-2083/15/HECC DATED 22/06/2015.

/TRUE COPY/

P.A.TO JUDGE

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K. VINOD CHANDRAN, J.

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W.P.(C) No.18683 of 2015 - I

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Dated this the 23rd day of July, 2015

J U D G M E N T

The petitioner seeks adjustment of the amounts due to the petitioner from the 3rd respondent as security deposit and performance guarantee which are payable to the 2nd respondent as per Ext.P1. The Government has filed a statement, in which it is specifically stated that each department has a separate administrative setup as also arrangement of works, utilisation of funds etc; which are done independently and cannot be inter-mixed. The petitioner however points to Ext.P2 to contend that the same is issued by the Government of Kerala.

2. Ext.P2 is issued by the Public Works Department and it is a direction to all Heads of Departments to permit adjustments of amounts due to contractor under completed works towards security deposit for new contract. It however

does not regulate the 2nd respondent, which is a different department of the Government not coming under the PWD.

3. The Government in its statement has also stated that the inter-department adjustment of pending bills is not possible since different departments are subject to different process since for approval and sanction. In such circumstance, there is no sustainable ground in the above writ petition and the same would stand dismissed. Time for providing the security deposit shall stand extended by 14 days from today, without any penalty.

The writ petition would stand dismissed.

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

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// true copy //

P.A to Judge.