

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 21665 of 2015 (G)

PETITIONER(S) :

BABU THOMAS, AGED 45 YEARS
PURAKKADAN HOUSE, ALANGAD P.O., ERNAKULAM DISTRICT
PIN: 683511.

BY ADVS.SRI.ASOK M.CHERIAN
SRI.T.R.RENJITH
SRI.R.ROHITH
SRI.K.JANARDHANA SHENOY
SRI.V.N.RAJAPPAN
SRI.V.K.PRASAD

RESPONDENT(S) :

1. ALANGAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY, NEERICODE P.O.
PIN: 683511.
2. THE ASSISTANT ENGINEER,
ALANGAD GRAMA PANCHAYAT, NEERICODE P.O., PIN: 683511.
3. STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT OF KERALA
LOCAL SELF GOVERNMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM- 695001.

R1 R2 BY ADV. SRI.DINESH MATHEW J.MURICKEN
BY ADV. SRI.LEYO SEBASTIAN
R3 BY ADV.ANITHA RAVINDRAN, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10-
12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 21665 of 2015 (G)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1: A TRUE COPY OF AGREEMENT EXECUTED BY THE PETITIONER WITH
THE 1ST RESPONDENT GRAMA PANCHAYAT, DATED 08-12-2011.
EXHIBIT P2: A TRUE COPY OF DECISION OF THE PANCHAYAT COMMITTEE OF THE
1ST RESPONDENT GRAMA PANCHAYAT ADOPTED IN ITS MEETING HELD ON 03-12-
2011.
EXHIBIT P3: A TRUE COPY OF THE RESOLUTION OF THE PANCHAYAT COMMITTEE
OF THE 1ST RESPONDENT GRAMA PANCHAYAT ADOPTED IN ITS MEETING HELD ON
31/10/2014.
EXHIBIT P4: A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
PETITIONER BEFODRE THE 2ND RESPONDENT, DATED 21/01/2015.

RESPONDENT(S) ' EXHIBITS

NIL

TRUE COPY

SKS

P.A TO JUDGE

K.HARILAL, J.

W.P(C)NO. 21665 OF 2015

Dated this the 10th day of December, 2015

JUDGMENT

The petitioner is a small scale civil contractor who entered into an agreement with the first respondent Panchayat to construct water duct at a length of 86 mtrs along the side of Block Office Road. While the work was going on, the Panchayat directed the petitioner to do additional work of construction having a length of 44 mtrs and the petitioner has completed the work in terms of the contract. He was assured that the payment of additional work would be made when the additional amount is sanctioned by the third respondent Government. Thus, all the works entrusted to the petitioner had been completed in the financial year 2011-12 itself and the second respondent has entered in the measurement book that the works have been completed to his satisfaction. But the petitioner is paid the bill amount for the works as per the original agreement by the respondent. However, the petitioner was not paid the bill amount for the additional works carried out by him for the reason that there was delay in getting the additional amount sanctioned by the third respondent Government. The Government has

WP(C)No.21665/2015

sanctioned the amount for the additional work done by the petitioner for the financial year 2014-15 and the first respondent has resolved directing the second respondent to make payment to the petitioner on duly executing an additional agreement for the additional work already done and pay the amount as per the bill of the petitioner for the work done. However, the second respondent is refusing to make payment to the petitioner in compliance with the direction issued by the first respondent. This is the grievance ventilated in this writ petition and this writ petition is filed with a prayer to direct the first respondent to effect the payment to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Panchayat.

3. On 15.10.2015, this Court passed an interim order directing the respondents 1 and 2 to make an interim payment of ₹75,000/- to the petitioner within three weeks and the petitioner has received the same. The learned Standing Counsel, on instructions, submits that the respondents 1 and 2 have no objection in granting the balance amount also within one month.

WP(C)No.21665/2015

4. Having regard to the above submissions made at the bar, the respondents 1 and 2 are directed to pay the balance amount due to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

This writ petition is disposed of accordingly.

sks

K.HARILAL, JUDGE