

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 25596 of 2014 (Y)

PETITIONER(S):

**K.SURESH AGED 41 YEARS
S/O.K.KERALA VARMA, KOICKAL HOUSE, WEST PARAPURAM P.O.
KANJOOR.**

BY ADV. SRI.T.RAJESH

RESPONDENT(S):

**1. KERALA STATE CONSTRUCTION CORPORATION
PONNURUNNI, VYTILA - 682 019
REP. BY THE MANAGING DIRECTOR.**

**2. THE GENERAL MANAGER
KERALA STATE CONSTRUCTION CORPORATION,
PONNURUNNI
VYTILA - 682 019.**

**3. GOVERNMENT OF KERALA
REP. BY THE SECRETARY (FINANCE)
GOVERNMENT SECRETARIAT
TRIVANDRUM -685001.**

**4. SECRETARY
TRIBAL WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT
TRIVANDRUM - 685 001.**

R1 & R2 BY ADV. SRI.M.V.THAMBAN

R3 & R4 BY GOVERNMENT PLEADER SRI.P.V. LONACHAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 25596 of 2014 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P-1: A TRUE COPY OF THE COVERING LETTER TO THE FINAL BILL
FORWARDED BY THE 2ND RESPONDENT TO THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P. A. TO JUDGE

STK

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C)No.25596 OF 2014
.....

Dated this the 5th February, 2015

J U D G M E N T

The petitioner is compelled to approach this Court, because of the laxity on the part of the concerned respondents in releasing payments in respect of Ext.P1 final bill, pursuant to completion of work awarded to the petitioner to the satisfaction of all concerned.

2. The pleadings and proceedings reveal that the petitioner came to be the successful bidder in respect of the tender floated for construction of a Hostel for Boys (OBC) of Government Engineering College, Thrissur. The work was completed and final bill was submitted by the petitioner on 14.06.2013. The bill was processed and was forwarded to the 4th respondent/Secretary, Tribal Welfare Department by the second respondent/General Manager, Kerala State Consortium Corporation, for allotment of necessary funds so as to have it disbursed. Despite many a request made by the petitioner, the amount is still to be disbursed to the petitioner. Hence this writ petition.

2. Heard the learned Standing Counsel for the respondent Corporation and the learned Government Pleader for the

respondents 3 and 4.

3. The learned Standing Counsel for the respondent Corporation points out that, as per the Project/Scheme, the work, of course, has been awarded to the petitioner by the Corporation, but payment has to be released by the 4th respondent/Tribal Welfare Department. It was accordingly that the bill submitted by the petitioner has been processed, recommended and forwarded to the 4th respondent vide Ext.P1. It is stated that as and when the amount is disbursed to the respondent Corporation, the due payment will be effected within fifteen days, after completing all the procedural formalities.

4. Despite six adjournments already granted, no positive instruction is coming from the side of the 4th respondent /Tribal Welfare Department. This Court finds that there is no complaint with regard to the work completed by the petitioner and also as to the eligibility of the petitioner to get the due amount .

4. The hardship caused to the petitioner because of the delay in payment and the liability to satisfy the amounts borrowed from different corners is highlighted by the petitioner. The course and events being pursued between the respondents 1

and 2 and the 4th respondent, shall in no way stand detrimental to the rights and interests of the petitioner in releasing the due amount to the petitioner. In the said circumstance, there will be a direction to the concerned respondents to take necessary steps to cause the due amount to be disbursed to the petitioner, which exercise shall be completed at the earliest, at any rate, within 'three months' from the date of receipt of a copy of the judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

P.R.RAMACHANDRA MENON
JUDGE

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