

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WP(C).No. 28282 of 2015 (I)

PETITIONER(S):

**K.V. THOMAS, AGED 53 YEARS,
S/O. VARGHESE, KOTHAPLACKAL HOUSE, THELLAKOM P.O.,
KOTTAYAM DISTRICT - 686 630.**

**BY ADVS.SRI.K.V.PAVITHRAN
SRI.NIAS MOOPAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETIL**

RESPONDENT(S):

- 1. EXECUTIVE ENGINEER,
PWD, ROADS DIVISION, PATHANAMTHITTA,
COLLECTORATE CAMPUS, PATHANAMTHITTA - 689 645.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
PUBLIC WORKS DEPARTMENT,
THIRUVANANTHAPURAM.**

BY SPECIAL GOVERNMENT PLEADER P.M.A. KALAM

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-09-2015, ALONG WITH WPC. 28316/2015 & WPC. 28317/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

**P1 - TRUE COPY OF THE RELEVANT PORTIONS OF AGREEMENT NO. 417/33/2013-2014
DT. 03.03.2014.**

**P1(A) - TRUE COPY OF THE RELEVANT PORTIONS OF AGREEMENT
NO. 418/33/2013-2014 DT. 04.3.2014.**

**P1(B) - TRUE COPY OF THE RELEVANT PORTIONS OF AGREEMENT
NO. 419/EE/2013-2014 DT. 03.3.2014.**

P2 - TRUE COPY OF THE COMPLETION CERTIFICATE OF EXT. P1 WORK.

P2(A) - TRUE COPY OF THE COMPLETION CERTIFICATE OF EXT. P1(A) WORK.

P2(B) - TRUE COPY OF THE COMPLETION CERTIFICATE OF EXT. P1(B) WORK.

**P3 - TRUE COPY OF THE GOVERNMENT PORTAL (EMLI) SHOWING SENIORITY OF
BILLS.**

P4 - TRUE COPY OF GO(P) NO. 13/2015 (FIN) DT. 12.1.2015.

P4(A) - TRUE COPY OF GO(P) NO. 97/2015 (FIN) DT. 25.2.2015.

P4(B) - TRUE COPY OF GO(P) NO. 154/2015 (FIN) DT. 27.4.2015.

P4(C) - TRUE COPY OF GO(P) NO. 221/2015 (FIN) DT. 10.6.2015.

P4(D) - TRUE COPY OF GO(P) NO. 5597/2015 (FIN) DT. 10.6.2015.

**P5 - TRUE COPY OF THE LETTER OF THE PETITIONER ADDRESSED TO FIRST
RESPONDENT.**

P6 - TRUE COPY OF THE JUDGMENT DT. 09.12.2014 IN WPC NO. 31751/2014.

P7 - TRUE COPY OF THE JUDGEMENT DT. 03.9.2015 IN WRIT APPEAL NO. 729/2015.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).Nos.28282/2015, 28316/2015 & 28317/2015**  
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Dated this the 29th Day of September, 2015

J U D G M E N T

The petitioner in all these writ petitions have approached this Court on account of non-payment of bills of the petitioner under the bill discounting system as ordered by the Government as per Exhibit P4 series of orders.

2. It is admitted by the learned Government Pleader that it is on account of ongoing vigilance enquiry that the bills have not been released. It is submitted that all the files have been taken by the Vigilance Department. It is also admitted that the vigilance inquiry is not at all over and it is pending.

3. The learned counsel for the petitioners relying on the Division Bench judgment of this Court produced as Exhibit P6 submitted that a pending vigilance case is not a reason to withhold payment.

4. In view of the judgment as above, there shall be a direction to the 1st respondent to send the proposal to the 2nd respondent within one month. Thereafter, appropriate action shall be taken to release the bills of

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the petitioners under the bill discounting system in accordance with law and ignoring the pendency of the vigilance case. Any payment to be effected would depend upon the outcome of the vigilance enquiry.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

ms