

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No.32372 of 2014 (V)

PETITIONER:

**SRI.T.O.BABY,S/O.OUSEPH,AGED 54 YEARS,
THONDUKUDIYIL HOUSE,KUNNAKKAL P.O,
VALAKOM,ERNAKULAM DISTRICT,PIN-682316.**

**BY ADVS.SRI.PAUL K.VARGHESE
SMT.A.A.GEETHA**

RESPONDENTS:

- 1. STATE OF KERALA,REP. BY SECRETARY,
(PUBLIC WORKS DEPARTMENT),
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE CHIEF ENGINEER (PWD),ROADS AND BRIDGES,
THIRUVANANTHAPURAM-695001.**
- 3. THE EXECUTIVE ENGINEER (PWD),
OFFICE OF THE EXECUTIVE ENGINEER,
PWD ROAD DIVISION,KOTTAYAM-686001.**

BY GOVERNMENT PLEADER SRI.K.C.VINCENT

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.32372 of 2014 (V)

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1:A TRUE COPY OF THE LETTER NO.AB4(2)3695/05 SEND BY THE
EXECUTIVE ENGINEER PWD ROAD DIVISION TO THE CHIEF ENGINEER
THIRUVANANTHAPURAM DTD 27/11/2010.**

**EXT.P2:A TRUE COPY OF THE LETTER NO.AB4(3)1436/05 ISSUED BY THE
EXECUTIVE ENGINEER PWD ROAD DIVISION KOTTAYAM TO THE CHIEF
ENGINEER THIRUVANANTHAPURAM DTD 27/11/2010**

RESPONDENT'S EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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P.R.RAMACHANDRA MENON, J.

W.P.(C) No. 32372 of 2014

Dated this the 11th day of March, 2015

J U D G M E N T

The petitioner, who is a contractor, was awarded work in connection with the maintenance of two roads namely Peruva - Marinppally road and Nambiakulam - Vedagiri road for a total sum of Rs.1,17,000/- and Rs.34,700/- respectively. The work was completed by the petitioner to the satisfaction of all concerned, way back, in the year 2006. It is stated that so as to complete the work on time the petitioner had to arrange funds from different sources including by pledging the wife's gold ornaments, paying huge rate of interest. After completion of the work and submission of the final bill, the petitioner is simply made to run from pillar to post for disbursement of the due amount. It is also pointed out that the 3rd respondent has already issued Ext.P1 and Ext.P2 report on 27.11.2010 for a special letter of credit to the 2nd respondent for disbursing the amount due to the petitioner. But payment is still to be made to the petitioner, which made him to approach this Court by filing

the Writ Petition.

2. A statement has been filed on the part of the third respondent which reads as follows:

"The work relates to the year 2005-06. Proposals were sent earlier and re-submitted on 2010. This respondent office could not trace out the tender notice, pertinent to note that the petitioner also had not cooperated to take any follow up action to cure the defects for payment of the bills in an expeditious manner."

3. After hearing both the sides, this Court finds that the only impediment which is stated as causing the delay is the difficulty on the part of the concerned respondent to trace out the tender notice. This Court finds that it cannot cause any hurdle with regard to the payment of the amount due to the petitioner in respect to the work concerned. In the said circumstance, the 3rd respondent is directed to complete the steps with regard to the disbursal of the amount due to the petitioner, notwithstanding the non availability of tender notice and effect the disbursal to

the petitioner at the earliest, at any rate within two months of the date of receipt of a copy of this judgment.

Writ petition is disposed of. The petitioner shall produce a copy of the judgment along with a copy of the Writ Petition before the concerned respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE

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