

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39875 of 2015 (H)

PETITIONER(S):

**BAIJU M. MANI, AGED 51 YEARS,
S/O.M.C.MANI, CONTRACTOR, MATTATHIL HOUSE,
EDAVATTAM P.O., THALAYOLAPARAMBU,
KOTTAYAM DISTRICT.**

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

RESPONDENT(S):

- 1. GOVERNMENT OF KERALA,
REPRESENTED BY ITS SECRETARY,
PUBLIC WORKS DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.**
- 2. EXECUTIVE ENGINEER,
P.W.D. (ROADS DIVISION), KOTTAYAM, PIN - 686 001.**
- 3. ASSISTANT EXECUTIVE ENGINEER,
PWD, ROADS SUB DIVISION, VAIKOM,
KOTTAYAM DISTRICT, PIN - 686 141.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE CHECKLIST - GENERAL BILL, PERTAINING TO THE BILL AMOUNT OF RS.4,40,179/- DUE TO THE PETITIONER MAINTAINED BY THE 2ND RESPONDENT
- EXT.P-2: TRUE COPY OF THE CHECKLIST - GENERAL BILL, PERTAINING TO THE BILL AMOUNT OF RS.2,99,280/- DUE TO THE PETITIONER MAINTAINED BY THE 2ND RESPONDENT
- EXT.P-3: TRUE COPY OF THE CHECKLIST - GENERAL BILL, PERTAINING TO THE BILL AMOUNT OF RS.2,99,280/- DUE TO THE PETITIONER MAINTAINED BY THE 2ND RESPONDENT
- EXT.P-4: TRUE COPY OF THE CHECKLIST - GENERAL BILL, PERTAINING TO THE BILL AMOUNT OF RS.4,70,018/- DUE TO THE PETITIONER MAINTAINED BY THE 2ND RESPONDENT
- EXT.P-5: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-672/15 DATED 16.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-6: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-671/15 DATED 16.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-7: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-675/15 DATED 17.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-8: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-678/15 DATED 17.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-9: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-674/15 DATED 17.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-10: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-669/15 DATED 17.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-11: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB2-670/15 DATED 17.11.2015 ISSUED BY THE 3RD RESPONDENT
- EXT.P-12: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB4 (2) 8469/2015 - 16 DATED 26.11.2015 ISSUED BY THE 2ND RESPONDENT
- EXT.P-13: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB4 (2) 3745/2015 - 16 DATED 26.11.2015 ISSUED BY THE 2ND RESPONDENT
- EXT.P-14: TRUE COPY OF THE SELECTION NOTICE BEARING NO.AB4 (2) 3648/2015 DATED 26.11.2015 ISSUED BY THE 2ND RESPONDENT

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- EXT.P-15: TRUE COPY OF THE ORDER G.O(P) NO.429/15/FIN. DATED 28.9.2015
ISSUED BY THE GOVERNMENT**
- EXT.P-16: TRUE COPY OF THE REPRESENTATION DATED 30.11.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 3RD RESPONDENT**
- EXT.P-17: TRUE COPY OF THE REPRESENTATION DATED 7.12.2015 SUBMITTED
BY THE PETITIONER BEFORE THE 2ND RESPONDENT**
- EXT.P-18: TRUE COPY OF THE JUDGEMENT DATED 8.12.2015, IN WPC
NO.36220/2015 OF THIS HON'BLE COURT.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.39875 of 2015

Dated this the 23rd day of December, 2015

JUDGMENT

The petitioner has been selected for award of the work as per Exts.P5 to P14. The petitioner has to furnish security deposit. The petitioner is also entitled for the payment from respondents 2 and 3. Exts.P1 to P4 would show that the petitioner is entitled for the amount.

In that view of the matter, the amount payable by the petitioner as per Exts.P5 to P14 shall be adjusted from the amount due to him as per Exts.P1 to P4. In the light of the above, the third respondent shall enable to execute the agreement based on such adjustment. The time for executing the agreement without time is extended by two weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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