

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 31ST DAY OF MAY 2013/10TH JYAISHTA 1935

WP(C).No. 13235 of 2013 (D)

PETITIONER:

**T.A.ABDUL KAREEM, AGED 63 YEARS,
S/O ABDULLA, CONTRACTOR, THAMARASSERY HOUSE,
CHERANELLORE.P.O, COCHIN-682 034.**

BY ADV. SRI.B.S.SURESH KUMAR

RESPONDENTS:

- 1. STATE OF KERALA,
REP. BY FINANCE SECRETARY,
MINISTRY OF FINANCE, TRIVANDRUM-695 001.**
- 2. DISTRICT COLLECTOR,
ERNAKULAM-682 030.**
- 3. EXECUTIVE ENGINEER,
PWD, ROADS DIVISION, THRIKKAKARA,
ERNAKULAM-PIN-682 021.**

BY SR GOVERNMENT PLEADER SRI.JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31-05-2013, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 13235 of 2013 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1 TRUE COPY OF THE AGREEMENT NO.114/EE/2012-13
 DATED 03-07-2012**
- EXHIBIT-P2 TRUE COPY OF THE COMPLETION CERTIFICATE ISSUED BY
 ASST.EXECUTIVE ENGINEER,PWD ROADS SUB DIVISION**
- EXHIBIT-P3 TRUE COPY OF THE LETTER ISSUED BY SENIOR MANAGER,FEDERAL
 BANK LTD, CHERANELLOOR BRANCH**
- EXHIBIT-P4 TRUE COPY OF THE REPLY GIVEN BY 3RD RESPONDENT DATED
 30.04.2013.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 13235 of 2013

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Dated this the 31st day of May, 2013

JUDGMENT

The petitioner who is an A-Class Government Contractor was awarded the work of 'Rehabilitation for Evictees of ICTT Vallarpadom Project-providing road facilities balance portion in the rehabilitation site at Vaduthala', for a total sum of Rs.8,97,317/-(Rupees eight lakhs ninety seven thousand three hundred and seventeen) with 14% above estimate rate, less cost of departmental materials and hire charges of the machinery.

2. Pursuant to the work order, Ext.P1 agreement was executed between the parties. The work was commenced on 12.07.2012 and completed on 30.11.2012, as borne by Ext.P2. Despite the completion of work, the payment is still due to the petitioner, which made him to approach this Court by filing the writ petition.

3. Learned Government Pleader submits that, there is no wilful delay or lapse on the part of the respondents in causing the due amount to be disbursed, but for the procedural and

administrative reasons and that the amount will be disbursed within three months.

4. The learned counsel for the petitioner submits with reference to Ext.P3 that, the petitioner had availed financial assistance from the Federal Bank Limited to meet the obligations and to complete the work on time. Interest is being paid at the rate of 15.45% as revealed from Ext.P3 and in view of the delay, the petitioner has to suffer a lot. It is also brought to the notice of this Court with reference to Ext.P4, issued by the 3rd respondent, that administrative sanction for the work was issued by the District Collector, by order dated 20.03.2013 for an amount of Rs.10,04,579/-. The bill submitted by the petitioner has already been passed and the District Collector, vide letter dated 19.04.2013, has sanctioned the payment. This being the position, there cannot be any further delay in disbursing the dues, submits the learned counsel.

5. After hearing both the sides, this Court finds that the grievance of the petitioner has to be redressed forthwith. Accordingly, there will be a direction to the respondents to take

all further steps and the 2nd respondent shall ensure that the payment due to the petitioner is disbursed immediately at any rate, within 'one month' from the date of receipt of a copy of this judgment.

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

**P.R. RAMACHANDRA MENON,
JUDGE.**

Kp/-