

K. Vijayakumar vs State of Kerala

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Court : Kerala

Decided On : Feb-28-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/2631/2024

Appellant : K. Vijayakumar

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 3389 OF 2024 PETITIONER :- SAJU P. MAKKAR, AGED 49 YEARS S/O. P.I. MAKKAR, NADANGATTU HOUSE, ERAMALLOOR P.O., CHERTHALA, ALAPPUZHA, PIN - 688537 BY ADVS. P.MOHANDAS (ERNAKULAM) K.SUDHINKUMAR SABU PULLAN GOKUL D. SUDHAKARAN R.BHASKARA KRISHNAN BHARATH MOHAN K.P.SATHEESAN (SR.) RESPONDENTS :- 1 STATE OF KERALA REPRESENTED BY THE SECRETARY, WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT THIRUVANANTHAPURAM, PIN - 695001 2 THE CHIEF

ENGINEER IRRIGATION AND ADMINISTRATION, PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 3 THE EXECUTIVE ENGINEER MAJOR IRRIGATION DIVISION, 2ND FLOOR, MINI CIVIL STATION, ALAPPUZHA, PIN - 688001 4 THE ASSISTANT EXECUTIVE ENGINEER OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER, IRRIGATION SUB DIVISION, 2ND FLOOR, MINI CIVIL STATION, ALAPPUZHA, PIN - 688001 SRI SUJITH MATHEWS JOSE-SPL GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).5276/2024, 5466/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5276 OF 2024 PETITIONER :- S. CHANDRAMANY, AGED 59 YEARS S/O SREEDHARAN, RESIDING AT THAVOOTTUVEEDU, THRIKKARUVAPANCHAYAT, THRIKKARUVA VILLAGE, PRAKKULAM P.O, KOLLAM, PIN - 691602 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH RESPONDENTS :- 1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY WATER RESOURCES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE ADDITIONAL CHIEF SECRETARY WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER IRRIGATION AND ADMINISTRATION PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TECHNICAL EXAMINER FINANCE INSPECTION WINGS- IRRIGATION, S.B.T.E.U BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN - 695001 5 THE EXECUTIVE ENGINEER OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ALAPUZZHA, PIN - 688001 6 THE

ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION,
ALAPUZHA, PIN - 688001 SRI SUJITH MATHEWS JOSE-SPL
GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).3389/2024
AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN
RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY
2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5466 OF 2024 PETITIONER
:- CHERIAN C GEORGE, AGED 42 YEARS S/O. GEORGE RESIDING
AT CHELLIYAMPURATH HOUSE, KIZHUMURI.P.O.,
RAMAMANGALAM, MUVATTUPUZHA, ERNAKULAM DISTRICT, PIN -
686663 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH
RESPONDENTS : 1 STATE OF KERALA REPRESENTED BY
GOVERNMENT PLEADER, HIGH COURT OF KERALA, PIN - 682031 2
THE ADDITIONAL CHIEF SECRETARY WATER RESOURCES
DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER
IRRIGATION AND ADMINISTRATION PUBLIC OFFICE,
THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TECHNICAL
EXAMINER FINANCE INSPECTION WINGS- IRRIGATION, S.B.T.E.U
BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN -
691001 5 THE EXECUTIVE ENGINEER OFFICE OF THE EXECUTIVE
ENGINEER, IRRIGATION DIVISION, ALAPUZHA, PIN - 688001 6 THE
ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION,
ALAPUZHA, PIN - 688001 BY SRI SUJITH MATHEWS JOSE-SPL
GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).3389/2024
AND CONNECTED CASES, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5595 OF 2024 PETITIONER :- TOMMY MATHEW, AGED 59 YEARS S/O. MATHEW RESIDING AT MADATHI PARAMBIL, KOOLYATTU, ERNAKULAM, PIN - 682303 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH RESPONDENT/S: 1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY, WATER RESOURCES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE ADDITIONAL CHIEF SECRETARY WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER IRRIGATION AND ADMINISTRATION, PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TECHNICAL EXAMINAR FINANCE INSPECTION WINGS-IRRIGATION, S.B.T.E.U BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN - 695001 5 THE EXECUTIVE ENGINEER OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ALAPUZHA, PIN - 688001 6 THE ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, ALAPUZHA, PIN - 688001 BY SRI SUJITH MATHEWS JOSE-SPL GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).3389/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5622 OF 2024 PETITIONER :- MAMMEN PAUL , AGED 44 YEARS S/O. PAULOSE RESIDING AT KOOLYATTU VEEDU, PINNARUNBRA, PERINGALA.P.O.,

ERNAKULAM, PIN - 683565 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH RESPONDENTS :- 1 THE STATE OF KERALA REPRESENTED BY THE DEPUTY SECRETARY WATER RESOURCES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE ADDITIONAL CHIEF SECRETARY WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER IRRIGATION AND ADMINISTRATION PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TECHNICAL EXAMINER FINANCE INSPECTION WINGS-IRRIGATION, S.B.T.E.U BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN - 691001 5 THE EXECUTIVE ENGINEER OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ALAPUZHA, PIN - 688001 6 THE ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, ALAPUZHA, PIN - 688001 SRI SUJITH MATHEWS JOSE-SPL GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).3389/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5838 OF 2024 PETITIONER/S: AKHIL VINAYAK AGED 52 YEARS S/O SUNDARESAN RESIDING AT KAILAS - 1474, OORAMPALLIL, KESAVAN NAGAR - H22, MUNDAKKAL WEST, KOLLAM - 691001, PIN - 691001 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH RESPONDENT/S:

1 THE STATE OF KERALA REPRESENTED BY THE SECRETARY WATER RESOURCES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE ADDITIONAL CHIEF

SECRETARY WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER IRRIGATION AND ADMINISTRATION PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TECHNICAL EXAMINER FINANCE INSPECTION WINGS-IRRIGATION, S.B.T.E.U BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN - 5 THE EXECUTIVE ENGINEER OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ALAPUZHA, PIN - 688001 6 THE ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, ALAPUZHA, PIN - 688001 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

28.02.2024, ALONG WITH WP(C).3389/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 5957 OF 2024 PETITIONER/S: ELDHOSE ABRAHAM AGED 43 YEARS S/O ABRAHAM RESIDING AT MARY VILLA HOUSE, KIZHUMURI P.O, ERNAKULAM, PIN - 686663 BY ADVS. S.SREEKUMAR (KOLLAM) NAMITHA RAJESH RESPONDENT/S:

1 THE STATE OF KEALA REPRESENTED BY THE SECRETARY TO GOVERNMENT, WATER RESOURCES DEPARTMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE ADDITIONAL CHIEF SECRETARY WATER RESOURCES DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 3 THE CHIEF ENGINEER IRRIGATION AND ADMINISTRATION PUBLIC OFFICE, THIRUVANANTHAPURAM, PIN - 695033 4 THE CHIEF TENCHNICAL

EXAMINER FINANCE INSPECTION WINGS- IRRIGATION, S.B.T.E.U BUILDING, PULIMOODU JUNCTION, THIRUVANANTHAPURAM, PIN - 5 THE CHIEF ENGINEER OFFICE OF THE EXECUTIVE ENGINEER, IRRIGATION DIVISION, ALAPUZHA, PIN - 688001 6 THE ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, ALAPUZHA, PIN - 688001 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

28.02.2024, ALONG WITH WP(C).3389/2024 AND CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, WP(C) NO. 2375 OF 2024 PETITIONER/S: K. VIJAYAKUMAR AGED 74 YEARS S/O. KUMARAN, CONTRACTOR, 'MAYOORAM', KAVANAD P.O., KOLLAM DISTRICT., PIN - 691003 BY ADVS. BABU JOSEPH KURUVATHAZHA ARCHANA K.S. MOHAMMED SHAFI.K NOEL EALIAS RESPONDENT/S:

1 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF WATER RESOURCES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001 2 CHIEF TECHNICAL EXAMINER GOVERNMENT OF KERALA, DEPARTMENT OF FINANCE (INSP-TECHNICAL), BANK EMPLOYEES BUILDING, PULIMOODU, THIRUVANANTHAPURAM., PIN - 695001 3 CHIEF ENGINEER IRRIGATION DEPARTMENT, PUBLIC OFFICE BUILDING, OPP. TO MUSEUM, THIRUVANANTHAPURAM., PIN - 4 EXECUTIVE ENGINEER IRRIGATION DIVISION, KOLLAM., PIN - 691002 5 ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, CHAVARA, CHAVARA P.O., KOLLAM DISTRICT., PIN - 691583 6 ASSISTANT

ENGINEER IRRIGATION SECTION, KARUNAGAPPALLY, KOLLAM DISTRICT., PIN - 690518

SRI SUJITH MATHEWS JOSE-SPL.GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).2631/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN WEDNESDAY, THE 28TH DAY OF FEBRUARY 2024 / 9TH PHALGUNA, 1945 WP(C) NO. 2631 OF 2024 PETITIONER :- K. VIJAYAKUMAR AGED 74 YEARS S/O. KUMARAN, CONTRACTOR, 'MAYOORAM', KAVANAD P.O., KOLLAM DISTRICT., PIN - 691003 BY ADVS. BABU JOSEPH KURUVATHAZHA ARCHANA K.S. MOHAMMED SHAFI.K NOEL EALIAS RESPONDENT/S: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF WATER RESOURCES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001 2 CHIEF TECHNICAL EXAMINER GOVERNMENT OF KERALA, DEPARTMENT OF FINANCE (INSP-TECHNICAL), BANK EMPLOYEES BUILDING, PULIMOODU, THIRUVANANTHAPURAM., PIN - 695001 3 CHIEF ENGINEER IRRIGATION DEPARTMENT, PUBLIC OFFICE BUILDING, OPP. TO MUSEUM, THIRUVANANTHAPURAM., PIN -

4 EXECUTIVE ENGINEER IRRIGATION DIVISION, KOLLAM., PIN - 691002 5 ASSISTANT EXECUTIVE ENGINEER IRRIGATION SUB DIVISION, CHAVARA, CHAVARA P.O., KOLLAM DISTRICT., PIN - 691583 6 ASSISTANT ENGINEER IRRIGATION SECTION, KARUNAGAPPALLY, KOLLAM DISTRICT., PIN - 690518 SRI SUJITH MATHEWS JOSE-SPL GP(IRRIGATION) THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2024, ALONG WITH WP(C).2375/2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The common challenge in these cases is against the Government Order bearing No.G.O.(Rt)No.9/2024/WRD dated deduction of certain sums from each of the petitioners herein - who were contractors who had completed the work of constructions Emergency Sea Wall in Alappuzha, during the years 2013, 2014 and 2015 - on the ground that their work was unsatisfactory and they had been paid larger amounts than what was eligible to them, since the value of the voids in the constructions, had not been deducted, while the measurement of works was completed.

2. Dr.K. P. Satheesan - learned Senior Counsel, instructed

by Sri. P. Mohandas - appearing for the petitioner in WP(C) No.3389/2024, vehemently argued that the afore Government Order, which has been produced as Ext.P9 in his Writ Petition, is egregiously improper because, it proceeds on the basis of an apparent inspection done by the Chief Technical Examiner (CTE) in the year 2020-2021, which led to a recommendation being made by him to constitute a committee of Senior Engineers for evaluating the quality of work, which then settled a report, based on which, it had been issued. The learned Senior Counsel argued that, since the first inspection by the CTE itself was done more than five years later, such action can only be construed to be an eyewash, with a pre- meditated intent to victimise contractors like his client; and further argued that, neither at the time of such inspection, nor during the further alleged evaluation by a committee of Senior Engineers, were any of such persons heard, or given an opportunity to substantiate that no fault can be attributed to them. He then pointed out from Ext.P9 that, as a component of the complot, the Government first initiated disciplinary action against twenty nine officers and then concluded it finding no guilt on them; but then fastened the entire liability alleged on the contractors alone. He argued that this is impermissible and untenable and thus prayed that Clause No. 3 of Ext.P9 in WP(C) No.3389/2024 be set aside.

3. The learned counsel for the petitioners in the other cases,

namely Sri. S. Sreekumar and Sri. Babu Joseph Kuruvathazha, adopted the above submissions of Dr. K. P. Satheesan; adding to that, saying that the entire exercise has been ordered by the Government culminating in the impugned order for confutative reasons, intended to save and assist the real wrongdoers, because their clients only acted as per official instructions and nothing beyond.

4. Sri. Sujith Mathew Jose- learned Special Government

Pleader, however, argued that the impugned Government Order is irreproachable because, the first inspection by the CTE was done in the year 2016, wherein, he had made certain recommendations, including that a committee of senior Engineers of the Irrigation Department be constituted, for evaluating the quality of work. He then show me from the impugned order that, the report of the Technical Committee has been extracted thereunder, which establishes the lackadaisical manner in which the work was executed and how the contractors were able to enjoy a windfall because volume of voids in the Sea Wall had been deliberately not included in the measurement of works, which caused huge loss to the exchequer. He argued that, therefore, the attempt of the petitioner is only to avoid repayment of the illegal amounts that are retained by them; and hence that, these writ petitions are liable to be dismissed.

5. I have examined the afore rival submissions, of the touchstone of the various documents on record, particularly the impugned order.

6. I must say upfront that the impugned Government Order

is vague in most parts and rather amorphous in the rest.

7. I say as afore because, it starts by conceding that the work was completed by the petitioners in the years 2013, 2014 and

2015. Thereafter, it says that a detailed enquiry into such works was

carried on by the CTE, but without mentioning the period in which it was done. This is crucial because, even the first referred report in Ext.P9 contains a number, but not a date; and it is asserted before me by the learned Special Government

Pleader that the said Authority had made certain recommendations, including to constitute a Committee of Senior Engineers.

8. Interestingly, the report of the afore said Committee of

Senior Engineers is referred to as item No.2 in Ext.P9, wherein, there is a mention about a letter having been issued by the Chief Engineer, dated 11.02.2020. However, again, the date of the report of the Committee is not discernible, but their view have been extracted in the impugned order.

9. As rightly argued by the learned Senior Counsel and the

counsel for the petitioner, solely based on the report of the Technical Committee, the Government issued the impugned order merely saying that the reasons adduced by the petitioners-contractors for non deduction of volume of voids in the measurement of works raised as main contention in the Writ Petitions and raised in their pleadings during the hearing are not sustainable, and hence their request for dropping the recovery of the excess amount paid to them cannot be considered (Sic). It is obvious from the said order that, the mentation of the Government are based on surmises because, according to them, when large boulders are freely dumped to form sea wall, larger voids will be there in the wall and hence volume of voids should be deducted from the measurement of the wall (Sic.). They then say that, this is the reason that the CTE and the Technical Committee recommended a deduction of 33% for the anticipated volume of voids in the works, and hence that the petitioners cannot seek such amounts to be retained by them.

10. It is needless to expatiate that the afore findings in the

impugned orders are prima facie, conjunctive and speculative because, even going it further contents, nothing is disclosed how any such information had been gathered scientifically.

11. To add to the aforesaid, it is alleged that the inspections

stated to have been conducted by the CTE and the Committee of Engineers were only in the year 2020. Of course, the learned Government Pleader contests this;

but, in such a view, it becomes a dispute of facts, into which, this Court cannot enter at the first instance, while acting under Article 226 of the Constitution of India.

12. That apart, it is evident from the impugned Government

Order, as is also admitted, that the petitioners were never heard through out the exercise, when the liability against them was sought to be imposed; and this is clear from the factum of the Government merely saying that their contentions in the writ petition and raised in the pleadings are not sustainable(Sic.), clearly referring solely to the proceedings before this Court.

13. Therefore, I am of the firm view that the impugned

Government Order cannot be found favour with; and that the Government must, therefore, reconsider the entire matter, after affording opportunities to the petitioners, and also after furnishing them with every report that is relied upon against them.

14. Resultantly, these writ petitions are allowed and the

impugned Government Order is set aside and it is hereby ordered that no action pursuant to the Government Order dated 03.01.2024 can be initiated against the petitioners, until such time as they are heard and their version assessed by the competent Authority. This shall be done by the Government as expeditiously as possible, however, after giving the petitioners copies of every report that is to be relied against them; thus culminating in an appropriate order and necessary action. The afore exercise shall be completed at the earliest, but not later than six months from the date of receipt of a copy of this

judgment.

Sd/- DEVAN RAMACHANDRAN JUDGE SMA APPENDIX OF WP(C) 5276/2024
PETITIONER EXHIBITS :- Exhibit P1 THE TRUE COPY OF THE ORDER
NO.G.O(RT) NO.783/2020/WRD DATED 30.12.2020 ISSUED BY THE FIRST
RESPONDENT

Exhibit P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT
Exhibit P3 THE TRUE COPY OF THE LETTER DATED 22.09.2021 ISSUED BY
THE 6TH RESPONDENT Exhibit P4 THE TRUE COPY OF THE COMMON
JUDGMENT IN WP(C) NO. 23625/2021 DATED 21.08.2023 Exhibit P5 THE
TRUE COPY OF THE ORDER NO.GO (RT).NO. 9/2024/WRD DATED 03.01.2024
Exhibit P6 THE TRUE COPY OF THE INTERIM ORDER IN WP(C) NO.
3389/2024 DATED 06.02.2024 APPENDIX OF WP(C) 5466/2024 PETITIONER
EXHIBITS :- Exhibit -P1 THE TRUE COPY OF THE ORDER NO.G.O(RT)
NO.783/2020/WRD DATED 30.12.2020 ISSUED BY THE FIRST RESPONDENT

Exhibit -P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT
Exhibit -P3 THE TRUE COPY OF THE NOTICE DATED 22.09.2021 ISSUED BY
THE 6TH RESPONDENT Exhibit -P4 THE TRUE COPY OF THE LEGAL NOTICE
DATED 30.06.2021 Exhibit-P 5 8. THE TRUE COPY OF THE COMMON

JUDGMENT IN WP(C) NO. 23398/2021 DATED

21.08.2023 OF HON'BLE HIGH COURT Exhibit -P6 THE TRUE COPY OF THE
ORDER NO.GO (RT).NO. 9/2024/WRD DATED 03.01.2024 Exhibit -P7 THE
TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 3389/2024 DATED
06.02.2024 APPENDIX OF WP(C) 5595/2024 PETITIONER EXHIBITS :- Exhibit -
P1 THE TRUE COPY OF THE ORDER NO.G.O(RT) NO.783/2020/WRD DATED
30.12.2020 ISSUED BY THE FIRST RESPONDENT

Exhibit -P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT
Exhibit -P3 THE TRUE COPY OF THE LEGAL NOTICE DATED 30.06.2021
ISSUED TO THE RESPONDENTS Exhibit -P4 THE TRUE COPY OF THE
COMMON JUDGMENT IN WP(C) NO. 23416/2021 DATED 21.08.2023 OF HIGH
COURT OF KERALA Exhibit -P5 THE TRUE COPY OF THE ORDER NO.GO

(RT).NO. 9/2024/WRD DATED 03.01.2024 Exhibit -P6 THE TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 3389/2024 DATED 06.02.2024 APPENDIX OF WP(C) 5622/2024 PETITIONER EXHIBITS :- Exhibit P1 THE TRUE COPY OF THE ORDER NO.G.O(RT) NO.783/2020/WRD DATED 30.12.2020 ISSUED BY THE FIRST RESPONDENT

Exhibit P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT
Exhibit P3 THE TRUE COPY OF THE LETTER DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT

Exhibit P4 7. THE TRUE COPY OF THE COMMON JUDGMENT

IN WP(C) NO. 23650/2021 DATED 21.08.2023 Exhibit P5 THE TRUE COPY OF THE ORDER NO.GO (RT).NO. 9/2024/WRD DATED 03.01.2024 Exhibit P6 THE TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 3389/2024 DATED 06.02.2024 APPENDIX OF WP(C) 5838/2024 PETITIONER EXHIBITS :- Exhibit - P1 THE TRUE COPY OF THE ORDER NO.G.O(RT) NO.783/2020/WRD DATED 30.12.2020 ISSUED BY THE FIRST RESPONDENT

Exhibit -P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT
Exhibit -P3 THE TRUE COPY OF THE LETTER DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT Exhibit -P4 THE TRUE COPY OF THE COMMON JUDGMENT IN WP(C) NO. 23646/2021 DATED 21.08.2023 Exhibit -P5 THE TRUE COPY OF THE ORDER NO.GO (RT).NO. 9/2024/WRD DATED 03.01.2024 Exhibit -P6 THE TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 3389/2024 DATED 06.02.2024 APPENDIX OF WP(C) 5957/2024 PETITIONER EXHIBITS :- Exhibit -P1 THE TRUE COPY OF THE ORDER NO.G.O(RT)

NO.783/2020/WRD DATED 30.12.2020 ISSUED BY THE DEPUTY SECRETARY TO GOVERNMENT, WATER RESOURCES DEPARTMENT

Exhibit -P2 THE TRUE COPY OF THE ORDER

NO.H.C.GENERAL DATED 22.09.2021 ISSUED BY THE 6TH RESPONDENT

Exhibit-P3 THE TRUE COPY OF THE COMMON JUDGMENT

IN WP(C) NO. 23617/2021 DATED 21.08.2023 Exhibit -P4 THE TRUE COPY OF THE ORDER NO.GO (RT).NO. 9/2024/WRD DATED 03.01.2024 Exhibit -P5 THE TRUE COPY OF THE INTERIM ORDER IN WP(C) NO. 3389/2024 DATED 06.02.2024 APPENDIX OF WP(C) 3389/2024 PETITIONER EXHIBITS :- Exhibit -P1 TRUE COPY OF THE QUOTATION SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT DATED 27-05-2014 Exhibit -P2 TRUE COPY OF THE AGREEMENT EXECUTED BY THE PETITIONER WITH THE 4TH RESPONDENT DATED 9-1-2015 Exhibit -P3 TRUE COPY OF THE ORDER NO. W3/41439/2014/QTN DATED 29-12-2014 ISSUED BY THE 2ND RESPONDENT Exhibit -P4 TRUE COPY OF THE LETTER NO. CH UD- ASSISTANT ENGINEER, IRRIGATION SECTION, CHERTHALA TO THE 4TH RESPONDENT Exhibit -P5 TRUE COPY OF THE RELEVANT PAGES OF THE

DETAILS OF GENERAL BILLS FOR THE PERIOD FROM 1-1-2015 TO 31-01-2015 PAID TO THE PETITIONER IN RESPECT OF THE WORKS EXECUTED BY THE PETITIONER DATED 30-01-

Exhibit -P6 TRUE COPY OF THE ORDER G.O. (RT)NO. THE 1ST RESPONDENT Exhibit -P7 TRUE COPY OF THE LETTER NO. H.C. GENERAL DATED 20-09-2021 ISSUED BY THE 4TH RESPONDENT Exhibit -P8 TRUE COPY OF THE JUDGMENT DATED 21-08- 2023 IN W.P.(C)NO. 21251/2021 Exhibit -P9 TRUE COPY OF THE ORDER G.O. (RT)NO. 1ST RESPONDENT APPENDIX OF WP(C) 2631/2024 PETITIONER EXHIBITS :- Exhibit P1 TRUE COPY OF THE PROCEEDING DATED

25.10.2019 OF THE CHIEF EXECUTIVE OFFICER, DISTRICT DISASTER MANAGEMENT AUTHORITY AND ADDITIONAL DISTRICT MAGISTRATE, KOLLAM.

Exhibit P2 TRUE COPY OF THE SELECTION NOTICE DATED 12.11.2019 ISSUED BY THE 4TH RESPONDENT. Exhibit P3 TRUE COPY OF THE PROCEEDING DATED 4.12.2019 OF THE 4TH RESPONDENT. Exhibit P4 TRUE COPY OF THE AGREED SCHEDULE OF WORK ENCLOSED ALONG WITH EXT.P3. Exhibit P5 TRUE COPY OF THE LETTER DATED 5.12.2019 ISSUED BY THE 5TH RESPONDENT. Exhibit P6 TRUE COPY OF THE CERTIFICATE DATED 19.12.2022 ISSUED BY THE 4TH RESPONDENT. Exhibit P7 TRUE COPY OF THE LETTER DATED 20.12.2019 OF THE MUNDAKKAL BRANCH OF SOUTH INDIAN BANK LTD., ADDRESSED TO THE 4TH RESPONDENT. Exhibit P8 TRUE COPY OF THE LETTER DATED 17.2.2020 OF THE 5TH RESPONDENT FORWARDED TO THE 4TH RESPONDENT. Exhibit P9 TRUE COPY OF THE LETTER DATED 24.9.2021

ISSUED BY THE SUPERINTENDING ENGINEER, IRRIGATION SOUTH CIRCLE, THIRUVANANTHAPURAM, TO THE 4TH RESPONDENT. Exhibit P10 TRUE COPY OF THE OBSERVATION MEMO DATED 2.3.2020 ISSUED BY THE 2ND RESPONDENT. Exhibit P11 TRUE COPY OF THE REPRESENTATION DATED 9.7.2021 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. Exhibit P12 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 21.8.2023 IN W.P.

(C) NO.21697/2021.

Exhibit P13 TRUE COPY OF THE LETTER DATED 8.9.2023 ISSUED BY THE 4TH RESPONDENT. Exhibit P14 TRUE COPY OF THE EXPLANATION DATED 16.9.2023 OFFERED BY THE PETITIONER BEFORE THE 4TH RESPONDENT IN RESPONSE TO EXT.P13. Exhibit P14(a) TRUE COPY OF THE LETTER DATED 20.9.2023 FORWARDED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT. Exhibit P15 TRUE COPY OF G.O.(RT) NO.9/2024/WRD DATED 3.1.2024 ISSUED BY THE 1ST RESPONDENT. APPENDIX OF WP(C) 2375/2024 PETITIONER EXHIBITS :- Exhibit P1 TRUE COPY OF THE PROCEEDING DATED

25.10.2019 OF THE CHIEF EXECUTIVE OFFICER, DISTRICT DISASTER MANAGEMENT AUTHORITY AND ADDITIONAL DISTRICT MAGISTRATE,

KOLLAM. Exhibit P2 TRUE COPY OF THE SELECTION NOTICE DATED 12.11.2019 ISSUED BY THE 4TH RESPONDENT.

Exhibit P3 TRUE COPY OF THE PROCEEDING DATED

BRANCH, THRISSUR. Exhibit P4 TRUE COPY OF THE AGREEMENT SCHEDULE OF THE WORK ATTACHED WITH EXT.P3 PROCEEDING. Exhibit P5 TRUE COPY OF THE LETTER DATED 5.12.2019 OF THE 5TH RESPONDENT FORWARDED TO THE 4TH RESPONDENT. Exhibit P6 TRUE COPY OF THE CERTIFICATE DATED 24.12.2019 ISSUED BY THE 4TH RESPONDENT. Exhibit P7 TRUE COPY OF THE PROCEEDING OF THE 6TH RESPONDENT, REGARDING THE SATISFACTORILY COMPLETION OF THE WORK ON 5.1.2020. Exhibit P7(a) TRUE COPY OF THE PROCEEDING OF THE 4TH

RESPONDENT DATED 7.12.2019, ADDRESSED TO THE PETITIONER, ACCEPTING THE POWER OF ATTORNEY EXECUTED IN FAVOUR OF THE SOUTH INDIAN BANK, FOR RECEIPT OF PAYMENT. Exhibit P8 TRUE COPY OF THE LETTER DATED 17.2.2020 OF THE 5TH RESPONDENT FORWARDED TO THE 4TH RESPONDENT. Exhibit P9 TRUE COPY OF THE LETTER DATED 2.2.2021 OF THE 5TH RESPONDENT FORWARDED TO THE 4TH RESPONDENT. Exhibit P10 TRUE COPY OF THE LETTER DATED 17.2.2021 OF THE 6TH RESPONDENT FORWARDED TO THE 5TH RESPONDENT.

Exhibit P11 TRUE COPY OF THE LETTER DATED 24.9.2021

THIRUVANANTHAPURAM SENT TO THE 4TH RESPONDENT. Exhibit P12 TRUE COPY OF THE PAYMENT CERTIFICATE ISSUED BY THE 4TH RESPONDENT. Exhibit P13 TRUE COPY OF THE OBSERVATION MEMO DATED 2.3.2020 ISSUED BY THE 2ND RESPONDENT. Exhibit P14 TRUE COPY OF THE REPRESENTATION DATED 14.8.2021 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT. Exhibit P15 TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT DATED 21.8.2023 IN W.P.

(C) NO.21540/2021.

Exhibit P16 TRUE COPY OF THE LETTER DATED 8.9.2023 ISSUED BY THE 4TH RESPONDENT. Exhibit P17 TRUE COPY OF THE EXPLANATION DATED 16.9.2023 OFFERED BY THE PETITIONER BEFORE THE 4TH RESPONDENT IN RESPONSE TO EXT.P16. Exhibit P18 TRUE COPY OF THE LETTER DATED 20.9.2023 FORWARDED BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT. Exhibit P19 TRUE COPY OF G.O.(RT) NO.9/2024/WRD DATED 3.1.2024 ISSUED BY THE 1ST RESPONDENT.

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