

Association of Engineers Kerala vs State of Kerala

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Court : Kerala

Decided On : Feb-20-2024

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/34217/2022

Appellant : Association of Engineers Kerala

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN TUESDAY, THE 20TH DAY OF FEBRUARY 2024 / 1ST PHALGUNA, 1945 PETITIONER: ASSOCIATION OF ENGINEERS KERALA [RECOGNIZED VIDE G.O. (M.S) NO.506/63 DATED 21.11-63 OF PUBLIC (SERVICES D) DEPARTMENT], REPRESENTED BY ITS GENERAL SECRETARY- I.V.SUSHEEL, PMG JUNCTION, VIKAS BHAVAN P.O., THIRUVANANTHAPURAM, PIN - 695033 BY ADVS. VINEETH KOMALACHANDRAN S.PARVATHI KALLIYANI KRISHNA B. RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT (PWD), ROOM NO. 377, 1ST FLOOR, MAIN BLOCK, SECRETARIAT, GPO,

THIRUVANANTHAPURAM, PIN - 695001 2 THE CHIEF ENGINEER (ADMINISTRATION) PUBLIC WORKS DEPARTMENT (PWD), PUBLIC OFFICE COMPLEX, MUSEUM P.O, THIRUVANANTHAPURAM, PIN - 695033 SRI.K.V.MANOJKUMAR - SR.GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Even though the petitioner - Association of Engineers Kerala, challenges Ext.P3 circular in this writ petition, when this matter was called today, their learned counsel Sri.V.V.Ashokan, instructed by Sri.Vineeth Komalachandran, submitted that his client will be satisfied if Ext.P7 representation is directed to be taken up and decided

appropriately by the first respondent. The learned senior counsel explained that, in Ext.P7, his client has only brought to the notice of the Authority, the difficulties faced by the engineers engaged in construction, maintenance and repair of the roads. He thus reiteratingly prayed that this limited relief be acceded to.

2. Sri.K.V.Manoj Kumar - learned Senior Government

Pleader, appearing for the respondents, in response, submitted that, if the petitioner only requires Ext.P7 to be taken up and disposed of by the competent Authority of the first respondent, there does not appear to be any legal impediment in doing so; however, praying that this Court may not make any affirmative declarations and leave it to the said Authority to take an

apposite decision, as per law. He submitted that he is making the afore submission because, the question whether all the reliefs sought for in Ext.P7 can be considered or acceded to is itself a matter which the Government will have to assess intently, based on all germane and relevant inputs.

3. No doubt, when this Court directs an authority to act, it

has to be done properly and in the manner, as known to law. In the afore circumstances, I allow this writ petition, to the limited extent of directing the competent Authority of the first respondent to take up Ext.P7 representation of the petitioner and dispose it of, after affording its authorised representative, as also any other interested person, an opportunity of being heard; thus culminating in an appropriate

order and necessary action thereon, as expeditiously as is

possible, but not later than two months from the date of receipt of a copy of this judgment. Sd/- DEVAN RAMACHANDRAN JUDGE stu APPENDIX OF WP(C) 34217/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE MINUTES/ RESOLUTION OF THE ASSOCIATION OF ENGINEERS KERALA DATED 16.10.2022 Exhibit P2 TRUE COPY OF THE INTERIM ORDER IN W.P.

(C) NO.34310 OF 2019 OF THIS HON'BLE

COURT DATED 19.07.2022 Exhibit P3 TRUE COPY OF THE CIRCULAR NO.G2/428/2019/PWD ISSUED BY THE 1ST RESPONDENT DATED 02.09.2022. Exhibit P4 TRUE COPY OF THE GOVERNMENT ORDER NO. G.O.(MS)NO.73/2013/PWD ISSUED BY THE 1ST RESPONDENT DATED 31.08.2013. Exhibit P5 TRUE COPY OF THE GOVERNMENT ORDER NO-G.O. (P)NO.3/2017/PWD AND RELEVANT EXTRACT OF ISSUED BY THE CLAUSES 45.3, 46.2 AND 46.3 OF THE STANDARD BID DOCUMENT (SBD) ISSUED BY THE 1ST RESPONDENT DATED 09.08.2017 Exhibit P6 TRUE COPY OF THE RELEVANT PAGES OF THE PWD MANUAL SPECIFYING THE DUTIES AND RESPONSIBILITIES OF THE VIGILANCE WING. Exhibit P7 TRUE COPY OF THE MEMORANDUM SUBMITTED BY THE PETITIONER DATED 06.10.2022

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