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P.Anilkumar, vs State of Kerala,

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Court : Kerala

Decided On : Feb-28-2022

Judge : Honourable Mr.Justice N.Nagaresh

Appeal No. : WP(C)/4940/2022

Appellant : P.Anilkumar,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE N.NAGARESH MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943 WP(C) NO. 4940 OF 2022 PETITIONER: P.ANILKUMAR, AGED 51 YEARS PWD CONTRACTOR, CHAKKAMPAKKAM, PUTHUMANA LANE, KUDAVOOR, ANAYARA P.O., THIRUVANANTHAPURAM. BY ADV AJITH KRISHNAN RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY ITS SECRETARY, PUBLIC WORKS DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001. 2 THE CHIEF ENGINEER, PUBLIC OFFICE, THIRUVANANTHAPURAM-695033. 3 THE EXECUTIVE ENGINEER, 4

THE ASSISTANT EXECUTIVE ENGINEER, PUBLIC WORKS DEPARTMENT, BUILDING SUB DIVISION, 5 REGISTRATION INSPECTOR GENERAL, OFFICE OF THE REGISTRATION INSPECTOR GENERAL, VANCHIYOOR P.O., THIRUVANANTHAPURAM-695033.

SMT.PARVATHY KOTTOL GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C) NO. 4940 OF 2022 2

JUDGMENT

Dated this the 28th day of February, 2022 The petitioner, who is a PWD Contractor, has undertaken the work of Urgent Maintenance work at the office of the Inspector General of Registration, Vanchiyoor, Thiruvananthapuram, seeks to direct the respondents to disburse the Bill amount of `13,51,377/- to the petitioner with respect to the said work.

2. The petitioner states that the work was entrusted to

the petitioner pursuant to a Selection Notice dated 28.12.2018. The petitioner completed the work on 06.02.2020, to the satisfaction of the respondents. The petitioner has been making repeated requests for settlement of Bill. The Bills are not yet paid. The respondents, therefore, are compellable to honour the Bills of the petitioner, contended the petitioner.

3. The learned Government Pleader representing the

respondents submitted that the funds allocated for these works WP(C) NO. 4940 OF 2022 3 have been exhausted by making payment for other contract works. However, the respondents are taking expeditious steps to settle the amounts found due to the petitioner.

4. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.

5. The fact that the petitioner has completed the work

undertaken by him to the satisfaction of the respondents is not under dispute. In the circumstances, this Court is of the view that the payment of Bill to the petitioner cannot be delayed indefinitely. The writ petition is, therefore, disposed of directing the 3rd respondent to pay the amount found due to the petitioner for the work carried out by the petitioner, within a period of ten weeks. sd/- N.NAGARESH JUDGE hmh WP(C) NO. 4940 OF 2022 4 APPENDIX OF WP(C) 4940/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE SELECTION NOTICE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER VIDE NO. D2-9384/18/AB4 DATED Exhibit P2 TRUE COPY OF THE RELEVANT PAGE OF

RUNNING ACCOUNT BILL FOR PAYMENT APPROVED BY THE ASSISTANT ENGINEER, PWD BUILDING SECTION, FORT, THIRUVANANTHAPURAM. Exhibit P3 TRUE COPY OF THE LETTER NO. FIN 5-638/16 DATED 07/07/2018, ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT. Exhibit P4 TRUE COPY OF THE REPRESENTATION DATED BEFORE THE RESPONDENTS. RESPONDENTS EXHIBITS NIL

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