
(2021) 01 KL CK 0221

In the High Court Of Kerala

Case No : Writ Petition (C) No. 16540 Of 2020

P. Vijayakumar

APPELLANT

Vs

Corporation Of Kochi And Ors

RESPONDENT

Date of Decision : 06-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0221

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : Aadithyan S. Mannali, Sajan Mannali, Sareena George

Final Decision : Disposed Of

Judgement

1. The writ petition has been filed by a Contractor who has undertaken work on behalf of Corporation of Kochi, seeking to quash Ext.P6 and to direct

the respondents to pay an amount of Rs.10,54,478/- to the petitioner.

2. The fact that the petitioner has successfully completed the work is not in dispute. The case of the 1st respondent is that the 1st respondent is facing

financial crunch and amounts can be released only in accordance with seniority in claims. The Corporation has already drawn a seniority list of

Contractors to whom the amounts are due, taking into account the date of completion of work. Bills have already been paid by the Corporation, for the

works completed by 31.08.2017. The petitioner will be paid amounts due on the basis of his seniority.

3. When this writ petition came up for admission, this Court took into account the submission of the petitioner that his daughter's marriage is due on

06.09.2020. Accordingly, this Court by way of interim order dated 14.08.2020 directed the respondents to release the first and second bills presented

by the petitioner within two weeks.

The learned counsel for the 1st respondent would submit that the first bill for Rs.1,37,535/- and the second bill amounting to Rs.3,96,650/- was paid to the petitioner on 03.09.2020 pursuant to the interim order of this Court.

4. Again when this writ petition came up for hearing on 19.10.2020, the respondents were directed to release the third bill submitted by the petitioner for an amount of Rs.1,33,135/-. The said amount has also been paid. Now the petitioner contends that the petitioner's wife Mrs. Geetha M.P is

suffering from Guillian barre syndrome which is an acute demyelinating disease and is undergoing treatment and the petitioner requires substantial

amount for the treatment of his wife. Therefore a further direction may be given to the 1st respondent to honour the fourth and fifth bill of the

petitioner or atleast a portion of the amount may be released.

5. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

6. The petitioner has already been paid a substantial amount of the outstanding as per the interim directions of this Court. The stand of the Corporation

of Kochi is that they have to honour the seniority list of the Contractors drawn on the basis of completion of work for making payment. In the

circumstances, this Court finds that the petitioner can raise a legal grievance only if the seniority list is overlooked in making payment. Therefore no

further relief can be granted by this Court in this writ petition.

7. However taking into account the medical emergency pointed out by the petitioner evidenced by Ext.P7 Medical Certificate, this Court is of the view

that the petitioner may approach respondents 1 and 2 who may consider the situation faced by the petitioner and grant appropriate relief to the

petitioner, as is permissible.

The writ petition is disposed of as above.