
(2012) 06 KL CK 0065

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 13193 of 2012 (Y)

Rajesh Varkey

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 07-06-2012

Acts Referred:

Citation : (2012) 06 KL CK 0065

Hon'ble Judges : T.R. Ramachandran Nair, J

Bench : Single Bench

Advocate : T.K. Vipindas, Smt. P.K. Priya and Sri. K.V. Sree Vinayakan, for the Appellant; Muhammed Shah, Government Pleader, for the Respondent

Judgement

Justice T.R. Ramachandran Nair

1. The petitioner is a Contractor under the Public Works Department. He was awarded with a work namely, improvements and black toping on Nellithavu-Nariyantepunna- Pookayam road of Kasaragod Block Panchayath under NABARD RIDF-VII. The estimate was Rs. 1,41,50,000/- and the tender was awarded to the petitioner for an amount of Rs. 1,41,35,850/-. The petitioner states that he had completed the work within the stipulated time and submitted the final bills on 02.06.2005. But, in view of certain discrepancies, the 1st respondent directed the 3rd respondent to withhold the final payment in respect of various Contractors as per Ext.P1 communication. An enquiry was conducted thereafter by the Vigilance and Anti-Corruption Bureau and an amount of Rs. 12,15,609/- was directed to be recovered from the petitioner. Even thereafter, the payments in respect of the final bills are yet to be made which is the complaint raised in the writ petition.

2. It is submitted that for want of clarification of the Government, the payment is kept pending. The petitioner has issued a lawyer notice as per Ext.P6 and Ext.P7 is a reply issued by the 3rd respondent Block Panchayath Secretary. In the last paragraph of Ext.P7, the Secretary has informed that the amount can be

released only after getting clarification from the Government.

In that view of the matter, the petitioner will file a proper representation before the Government namely, the 1st respondent along with a copy of this judgment and the Government will call for necessary details, if the same have not been called for so far, and communicate the decision thereon to the 3rd respondent within a period of two months from the date of receipt of a copy of this judgment. Depending upon the clarification, it is open to the Block Panchayath to release the amount due. The petitioner will forward a copy of the writ petition along with a copy of this judgment for compliance.

This writ petition is disposed of as above.