



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - Kasargod Municipality - Drought Relief Project 2012-13 and works done using own fund during 2014-15 – Order of the Hon'ble High Court in WP(C)No.14634/2020 filed by Sri.Surya Kumar and another – complied with- Orders issued.

LOCAL SELF GOVERNMENT (FM) DEPARTMENT

G.O.(Rt)No.136/2021/LSGD Dated,Thiruvananthapuram, 19/01/2021

- Read 1 Order dated 21-12-2020 of the Hon'ble High Court of Kerala in WP(C)No.14634/2020
- 2 Letter No. DCKSGD/7255/2019-K1 dated 28/12/2020 from the District Collector, Kasargod.
- 3 Letter No.A2-11501/20 (PW3-14898/16) dated 13.01.2021 from Secretary, Kasargod Municipality.

ORDER

The Writ Petitioners, Sri. Suryakumar and another, had undertaken and executed several works pursuant to tender of Secretary, Kasaragod Municipality. But they were not paid for the works done. The petitioner approached Legal Service Authority and the Municipality admitted the petitioners claim and had agreed to settle the claim of the petitioner within 4 months. But the respondents has not received the payment. Hence the petitioner filed the WP(C)No.14634/2020 before the Hon'ble High Court of Kerala.

As per Order read as 1st above,the Hon.High Court ordered that the municipality has not made it clear as to whether the request made by them is permissive sanction of an appeal against the order passed by the District Collector, who rejected the claim for payment. The question in this case is relating to payment due to the petitioners for the work they have undertaken on the basis of the selection notice issued by the Municipality. Therefore for the purpose of this payment, Government is free to treat the submission made by the Municipality as a request for permissive sanction as well as an appeal against the order passed by the District Collector. In the Order , it was also directed to issue orders within a period of two weeks.

As per the letter read as 2nd paper, District Collector Kasargod reported that direction was given to all Grama Panchayath/Municipal Secretaries to cancel the works related to 2012-13 Drought Relief Project, which were not completed by 31/12/2013. The bills of works (7 nos.) were

returned to the Municipal Secretary, as the works had been completed after the due date and there is no provision for payment.

In view of the Order dated 21/12/2020, the Superintendent, Engineering Wing, Kasargod Municipality was directed to appear before Govt in LSGD on 13/01/2021 and directed to furnish the details of works done for the period of 2012-13, 2014-15 and the total amount to be released to the writ petitioners. Accordingly Secretary, Kasargod Municipality has submitted a report as per letter read as 3rd, including the details of work done by using own fund during 2014-15 amounting to Rs. 4,65,500/- and the details of works rejected by District Collector amounting to Rs.8,25,800/- .

Government have examined the matter in detail and are pleased to accord sanction for granting total pending amount of Rs.12,91,300/- (Twelve Lakhs Ninety One Thousand and Three Hundred only) from the own fund of Kasargod Municipality for the works done by the petitioners during the period 2012-13 and 2014-15 subject to the verification of the works and bill amount by the Competent Authority. The order of the Hon'ble High Court in WP(C)No.14634/2020 filed by Sri.Suryakumar and another is complied herewith.

(By order of the Governor)
SUNITHA I
DEPUTY SECRETARY

To:

The Director of Urban Affairs, Thiruvananthapuram.

The Advocate General Ernakulam (with Covering Letter)

The Secretary, Kasargod Municipality

The Director, State Audit Department, Thiruvananthapuram.

The Accountant General Audit/A& E (LBA &A), Thiruvananthapuram.

The Executive Director, IKM (for publishing in the website of LSGD)

Stock File/ Office copy

Forwarded /By order

Section Officer

