



GOVERNMENT OF KERALA

Abstract

Local Self Government Department - PMGSY Phase IV - Package No.KR 06-06. Vettikkavala Block - Dispute Redressal System - Constitution of Standing Empowered Committee Judgment WP(C) No.21933/13 dated 05.09.2013 — complied - orders issued.

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LOCAL SELF GOVERNMENT (DD) DEPARTMENT

GO(Rt.) No. 3028/2013/LSGD

Dated, Thiruvananthapuram, 09.12.2013

- Read:-
1. Judgment WP(C) No.15242/12 dated 29.06.2013 from Hon'ble High Court.
 2. Judgment WP(C) No.21933/13 dated 05.09.2013 from Hon'ble High Court.
 3. Letter No.Engg.(DB4)/4423/04/CRD dated 22.11.2013.

ORDER

The 3 road works under PMGSY 2004-05 Phase IV Package No.KR 06-06 in Vettikkavala Block has been awarded to the contractor Shri.K.Anil Kumar. It was awarded 11.11% below estimate rate of Rs.215.40 lakh. Due to inordinate delay in completion of the work the contract was terminated at the risk and cost of the contractor. The contractor's request to exempt him from risk & cost liability was not agreed by the concerned authorities. Hence he filed a case in High Court (WP(C)15242/12). In compliance of the direction in the judgment of the case, the Principal Secretary conducted a hearing on 26.09.2012 and directed him to approach Standing Empowered Committee for Redressal. The contractor has not approached the SEC for Redressal of grievances. Kerala State Rural Roads Development Agency directed the Tahsildar to proceed with the Revenue Recovery. The contractor filed appeal petition to Superintending Engineer and after hearing the contractor Superintending Engineer has denied the arguments of the contractor on 10.10.2013. Kerala State Rural Roads Development Agency forwarded the judgment on WP(C)No.21933/13 filed by the contractor for early disposal of the case. In the judgment the court has directed to dispose the case within 3 months. As per letter read as 3rd paper above the contractor approached Kerala State Rural Roads Development Agency to consider his grievances before the Standing Empowered Committee. Thus Kerala State Rural Roads Development Agency requested Government to constitute a Standing Empowered Committee

with an official member not below the rank of Additional Secretary as chairman, one official member not below the rank of Chief Engineer and one non-official member selected by the contractor.

2. Government have considered the matter in detail and are pleased to constitute the Standing Empowered Committee with the following members for the purpose as stipulated under clause 24.3 of the Standard Bidding Documents for PMGSY.

- i. Chairman - Principal Secretary, Local Self Government Department.
- ii. Official Member- Chief Engineer, Local Self Government Department.
- iii. Non-Official Member- Shri.R.Murukesan, Chief Engineer (Rtd.)

3. The petitioner Shri.K.Anil Kumar is directed to present his case before the above Standing Empowered Committee for the Redressal of his grievance.

4. The direction of the Hon'ble High Court in the judgment read above is complied with accordingly.

(BY ORDER OF THE GOVERNOR)

Anitha Damodaran,
Additional Secretary to Government

To

1. Shri.K.Anil Kumar, Ambalakkara House, Pulamon P.O., Kottarakkara.
2. The Member Secretary Kerala State Rural Roads Development Agency.
3. The Chief Engineer, Local Self Government Department.
4. Shri.R.Murukesan, Chief Engineer (Rtd.) (through Member Secretary, Kerala State Rural Roads Development Agency)
5. The Advocate General, Ernakulam.
- ✓ 6. The Director, Information Kerala Mission, Thiruvananthapuram.
8. Stock file/Office Copy.

Forwarded/By Order


Section Officer