



GOVERNMENT OF KERALA

Abstract

Local Self Government Department – Judgment in WP(C)18952/2015 filed by M/s. P.G. Constructions– Judgment complied with - orders issued.

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**LOCAL SELF GOVERNMENT (DD) DEPARTMENT**

GO(Rt.) No.2373 /2016/LSGD

Dated, Thiruvananthapuram, 6.8.2016

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- Read:-
1. Judgement dated 9.10.2015 in WP(C)18952/2015 filed by M/s, P.G. Constructions
  2. Representation dated 19.10.2015 from M/s. P.G. Constructions, Pullaniparambil, Thrithala, Mezhatthur P.O., Palakkad
  3. Letter No.A4-721/2015 dated 23.11.2015 from from Executive Engineer, Local Self Government Department Division, District Panchayath, Palakkad
  4. Letter No. 6751/R &I 3/14/CRD dated 25.5.2016 from the Commissioner for Rural Development.

**ORDER**

The Hon'ble High Court as per judgment read as 1<sup>st</sup> paper above has disposed of the WP(C)18952/2015 filed by M/s. P.G. Constructions directing the 4<sup>th</sup> respondent ie, the Executive Engineer, Local Self Government Department, District Panchayat Office, Palakkad to forward Exhibit P8 to the first respondent ie. the Secretary to Government, Local Self Government Department within two weeks from the date of receipt of a copy of the judgement, for considering Exhibit P8 as well as any further representation to be submitted by the petitioner before the 1<sup>st</sup> respondent. In the judgment it was also directed that Government

should consider and pass orders on the same within a period of three months from the date of receipt of a copy of the judgment.

2. The petitioner filed a representation before Government for consideration vide letter read as 2<sup>nd</sup> above, wherein he has requested payment of Rs. 84,10,325/- due to him in the final bill dated 15.6.2015 for the works completed on 29.4.2014 as sought in Exhibit P 8, with interest from 15.5.2014 on the unpaid bill amount and to release the retention amount of Rs. 17,18,158/- with interest from 1.6.2014 onwards till payment. The petitioner was heard by the Under Secretary on 14.1.2016.

3. The construction of the check dam across Thootha river in Palakkad District under RIDF 2011-12 awarded to the petitioner was completed on 29.10.2014. Two part bills for a total amount of Rs. 1,71,81,576/- submitted by the petitioner were passed and payment made after deducting the retention amount of Rs. 17,18,158/-

4. Following an incident in which concrete was washed off from the dam due to high velocity flow of water, a complaint was filed before the Vigilance and Anti Corruption Bureau and a vigilance case was registered in the matter. As the M Books were seized by the Vigilance and Anti Corruption Bureau the final bill submitted by the petitioner could not be processed further.

5. The Executive Engineer vide letter read as 3<sup>rd</sup> paper above has informed that, as the M Books and other documents are still with the Vigilance authorities the bill produced by the petitioner has not been measured and check measured.

6. The Vigilance and Anti corruption Bureau has informed that the actual cost of rectification work of the dam will depend on the works arranged in

accordance with the technical experts and current schedule of rates and that the samples collected from the site have been submitted to the Director, State Forensic Science Laboratory, Thiruvananthapuram for detecting the ratio of cement, sand and stone. As the vigilance enquiry is still going on and M Books and other documents are with the Vigilance authorities, the bill produced by the petitioner cannot be measured and check measured with reference to the actual measurements recorded in the M Books .

7. Hence Government is not in a position to take a decision on the payment of balance amount to the petitioner till the completion of the Vigilance enquiry. The representation read as 2<sup>nd</sup> paper above is disposed of accordingly.

8. The direction of the Hon'ble High Court in the judgment read as 1<sup>st</sup> paper above is thus complied with.

(BY ORDER OF THE GOVERNOR

T.K. JOSE IAS

Prl. Secretary to Government

To

- ✓ 1. The Advocate General, Eranakulam (with C/L)
2. M/s. P.G. Constructions, Pullaniparambil, Thrithala, Mezhathur P.O., Palakkad.
3. The Commissioner for Rural Development, Thiruvananthapuram.
4. The Secretary, District Panchayat, Palakkad.
4. The Executive Engineer, Local Self Government Department Division, District Panchayth, Palakkad
6. The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.
7. The Accountant General (A&E), Kerala, Thiruvananthapuram.

8. The Director, Information Kerala Mission, Thiruvananthapuram.
9. Stock File/ Office Copy.

Forwarded/By Order,

*Day*  
Section Officer.

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DEC  
6-5-16 3.45pm