



WP(C) NO. 34323 OF 2018

1

2025:KER:26208

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 34323 OF 2018

PETITIONER:

ANEESH KUMAR V.S.,
AGED 34 YEARS
S/O B SASIDHARAN NAIR, VANAJAVILASOM,
NEDUMKANDOM P O, IDUKKI DISRICT 685553.

BY ADV NINU M.DAS

RESPONDENTS:

- 1 HOSPITAL MANAGEMENT COMMITTEE,
TALUK HEAD QUARTERS HOSPITAL, NEDUMKANDOM,
REPRESENTED BY ITS CONVENOR, SUPERINTENDENT,
TALUK HEAD QUARTERS HOSPITAL, NEDUMKANDOM - 685553.
- 2 THE BLOCK PANCHAYAT,
NEDUMKANDOM BLOCK, NEDUMKANDOM.P.O., IDUKKI (DT) -
685553, REPRESENTED BY ITS SECRETARY.
- 3 THE PRESIDENT BLOCK PANCHAYAT OFFICE,
NEDUMKANDOM BLOCK, NEDUMKANDOM.P.O., CHAIRMAN,
HOSPITAL MANAGEMENT COMMITTEE, TALUK HEAD QUARTERS
HOSPITAL, NEDUMKANDOM - 685553.

BY ADVS.
SRI.V.GOPAKUMAR
SMT.K.B.SONY, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**JUDGMENT**

The petitioner submitted that he had submitted a bid for the civil and maintenance works including replacing and installation of three air conditioners and other allied works in the Ophthalmology Theatre of the Taluk Headquarters Hospital, Nedumkandom. He was the successful bidder and had completed the work. The Assistant Engineer attached to the 2nd respondent - Block Panchayat inspected the work after completion and issued a certificate on 24.08.2017, certifying that the cost of the work done by the petitioner at Rs.5,84,770/-. The copy of the valuation certificate is produced as Ext.P1 and the detailed estimate of the work prepared by the Assistant Engineer attached to the office of the 2nd respondent is marked as Ext.P2. Since the amount of Rs.5,84,770/- stated above has not been paid, he filed this writ petition.

2. A counter has been filed on behalf of the 1st respondent stating that according to the store purchase rules,



for awarding civil works above Rs.1 lakh upto Rs.5 lakhs, tender should be called for and for works above Rs.5 lakhs E-tender should be made, and in the instant case no tender was called. Administrative sanction for the said work was not given by the Hospital Management Committee at that time. It is stated that technical sanction was also not given by the then Assistant Engineer of the Block Panchayat.

3. Heard the learned counsel for the petitioner and the learned Government Pleader.

4. The reason stated in the counter affidavit cannot be accepted for more than one reason. It is not in dispute that the petitioner completed an emergent work. There is no contention in the counter filed on behalf of the 1st respondent that the work was not completed satisfactorily. In view of the above, the reasons stated in the counter affidavit cannot be accepted at all.

5. In the said circumstances, the respondents or the



competent authority are directed to pay Rs.5,84,770/- to the petitioner as cost for the work done as per Exts.P1 and P2 within six weeks from today. If the amount is not paid within six weeks from today, interest at the rate of 12% shall also be paid on the above-stated amount until the actual payment is made.

6. The respondents will be free to take appropriate action against officials who allegedly erred in awarding the tender.

This writ petition is allowed as above.

Sd/-

MOHAMMED NIAS C.P.

JUDGE

MC/27.3



WP(C) NO. 34323 OF 2018

5

2025:KER:26208

APPENDIX OF WP(C) 34323/2018

PETITIONER EXHIBITS

- | | |
|------------|---|
| EXHIBIT P1 | COPY OF THE VALUATION CERTIFICATE DATED 24.8.17 ISSUED BY ASSISTANT ENGINEER OF THE 2ND RESPONDENT. |
| EXHIBIT P2 | COPY OF THE DETAILED ESTIMATE ISSUED BY ASSISTANT ENGINEER OF THE 2ND RESPONDENT. |
| EXHIBIT P3 | COPY OF THE MINUTES OF THE HOSPITAL MANAGEMENT COMMITTEE HELD ON 24.4.2017 |
| EXHIBIT P4 | COPY OF THE MINUTES OF THE HOSPITAL MANAGEMENT COMMITTEE HELD ON 19.6.2017. |