



GOVERNMENT OF KERALA

Abstract

Public Works Department - Construction of Cherthukadavu Bridge across Kalikavu River in Malappuram District- Judgment dated 08.10.2025 of the Hon'ble High Court in WP(C) No.18593/2022 and interim order dated 17.03.2026 in Contempt Case (Civil) No.224/2026 complied with - Orders issued.

PUBLIC WORKS [D]DEPARTMENT

G.O.(Rt)No.564/2026/PWD Thiruvananthapuram,Dated, 16-05-2026

- Read 1. G.O.(Rt) No.1540/2011/PWD dated 09.11.2011.
2. Judgment dated 19.03.2021 of the Hon'ble High Court in WP(C) No.10921/2017.
 3. Report dated 27/06/2014 Chief Engineer (Exhibit P2 in WP(C) No. 18593/2022)
 4. Minutes of the Meeting held on 08/09/2021 by the Technical Committee (Exhibit P17 in WP(C) No. 18593/2022)
 5. Letter dated 16/12/2021 of the Superintending Engineer (Exhibit P19 in WP(C) No. 18593/2022)
 6. G.O. (Rt) No. 158/2022/PWD dated 11.02.2022 (Exhibit P20 in WP(C) No. 18593/2022)
 7. Judgment dated 08.10.2025 of the Hon'ble High Court in WP(C) No.18593/2022.
 8. G.O.(Rt) No.244/2026/PWD dated 20.02.2026.
 9. Interim Order dated 17.03.2026 of the Hon'ble High Court in Contempt Case (Civil) No.224/2026.
 10. G.O.(Rt) No.468/2026/PWD dated 18.03.2026.
 11. Letter No. CEPWD/3756/2021-AB2-BR dated 11.05.2026 of the Chief Engineer (Bridges).

ORDER

As per the Government Order read as the 1st paper above, Administrative Sanction was accorded for the construction of the Cherthukadavu Bridge across the Kalikavu River in Malappuram District at

an estimated cost of ₹300 lakh. Technical Sanction for the work was accorded by the Chief Engineer, Roads and Bridges, for an amount of ₹345 lakh based on the revised SoR 2010. The work consisted of the construction of an RCC bridge having three spans of 22.32 m each, with well foundations, round hammer-headed piers, and a T-beam deck slab superstructure. Construction of the approach road was not included in the work due to insufficient funding.

2. The petitioner approached the Hon'ble High Court of Kerala by filing WP(C) No. 10921/2017, seeking a direction to the first respondent, Government of Kerala, to forthwith sanction the revised estimate recommended by the Chief Engineer (R&B) in connection with the work. As per the judgment read as the 2nd paper above, the Hon'ble High Court directed the 1st Respondent, Secretary, PWD, to reconsider the revised estimate proposal submitted by the Chief Engineer in the light of the observations made by the Court and to take a fresh decision after giving the petitioner an opportunity to be heard and after consulting the officers who were in charge of the work.

3. As per the Government Order read as the 6th paper above, the Government directed the Chief Engineer (Bridges) to accord Technical Sanction based on the revised estimate, specifically taking consideration into the report of the technical committee. Accordingly, the Government complied with the judgment dated 19.03.2021 of the Hon'ble High Court in W.P.(C) No. 10921/2017.

4. In the meantime, the petitioner approached the Hon'ble High Court by filing WP(C) No. 18593/2022, seeking to stay further action pursuant to the Government Order read as the 6th paper above (Exhibit P20) and all further proceedings against the petitioner for the recovery of the DLR amount already released. In its judgment dated 08.10.2025 in WP(C) No. 18593/2022, the Hon'ble High Court of Kerala directed the Government to reconsider the revised estimate and the DLR payments after providing the petitioner an opportunity for a hearing.

5. In compliance with the said judgment, a hearing was scheduled by the Joint Secretary, Public Works Department, on 19.01.2026. Though the Deputy Chief Engineer (Bridges), PWD, attended the hearing, the petitioner remained absent. The notice sent to the petitioner was returned with the

postal endorsement “addressee deceased.” Therefore, after considering the report submitted by the Chief Engineer (Bridges) during the hearing, G.O. (Rt) No. 244/2026/PWD dated 20.02.2026 was issued, ordering that the petitioner was entitled to an amount of ₹18,88,770.66/-. Thus, Government initially complied with the directions of the Hon’ble High Court.

6. Thereafter, Contempt Case (Civil) No. 224/2026 was filed by the legal heirs before the Hon’ble High Court of Kerala. As directed by the Hon’ble Court in the interim order read as the 9th paper above, the legal heirs of the deceased petitioner were heard on 27.03.2026 after issuing notice. Meanwhile, the Government Order read as the 8th paper above was cancelled vide the Government Order read as the 10th paper above for reconsideration of the matter. During the hearing held on 27.03.2026, the claim raised by the petitioner was for extra payment towards underwater hard rock cutting carried out in connection with the bridge work. It was submitted that the work involved high-risk operations, including the use of divers and oxygen masks. The petitioner further contended that the amount of ₹18 lakh sanctioned covered only the seating of wells and did not include the sinking operations.

7. The Government have re-examined the matter in detail based on the records and the report furnished by the Chief Engineer (Bridges). Government observe that sufficient records regarding the quantity of boulders exceeding 40 dm³ allegedly broken and removed during the execution of the work, as well as a detailed rate analysis to substantiate the petitioner’s claim for ₹69 lakh towards DLR payment, have not been furnished by the Chief Engineer (Bridges).

8. The Government further observed that, although the work of well seating in hard rock is a difficult and risky operation, no supporting evidence is available in the data book or soil log regarding the size and quantity of boulders removed. Further, the quantity of boulders removed was not assessed at the site during the execution of the work.

9. The Chief Engineer (Bridges) has reported that, as per the decision of the Chief Engineers’ Committee dated 11.11.2021, the admissible DLR amount for well seating in hard rock works out to only ₹18,88,770.66/-. It has also been reported that no provision is available in the Kerala PWD Data Book for separate rate fixation for well driving in hard rock and that the

approved rate for well sinking in all classes of soil includes such incidental operations. However, considering the exceptional nature of the work and the recommendation of the Chief Engineers' Committee, Government are inclined to allow the limited amount recommended by the Chief Engineer (Bridges) as admissible DLR compensation.

10. Though the claimant asserted that extensive underwater hard rock cutting was carried out, no contemporaneous measurements, check measurements, site mahazars, revised quantity statements, diver logs, geological verification reports, or authenticated records substantiating the extent of such operations were produced before Government.

11. In the above circumstances, Government find that sufficient contemporaneous records, measurements, soil logs, quantity assessments, or supporting technical documents have not been produced to substantiate the claim for additional DLR payment of ₹69 lakh towards underwater hard rock cutting and related well sinking operations.

12. At the same time, considering the recommendation of the Chief Engineers' Committee and the report of the Chief Engineer (Bridges), Government are pleased to sanction an amount of ₹18,88,770.66/- (Rupees Eighteen Lakh Eighty-Eight Thousand Seven Hundred and Seventy and Paise Sixty-Six only) as the admissible DLR amount in respect of the work.

13. Accordingly, the claim for any further amount over and above ₹18,88,770.66/- is rejected for want of sufficient supporting evidence and records. The directions contained in the judgment dated 08.10.2025 in W.P. (C) No.18593/2022 and the interim order dated 17.03.2026 in Contempt Case (Civil) No.224/2026 of the Hon'ble High Court of Kerala stand complied with.

(By order of the Governor)
K BIJU I A S
SECRETARY

The Chief Engineer (Bridges), PWD, Thiruvananthapuram.

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

The Advocate General, Kerala, Ernakulam.

The Sakkeer K.S, S/O. Late K.M.Salim, Komban, Erumamunda.P.O, Chungathara, Nilambur, Malappuram - 679 334.

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Forwarded /By order

Section Officer