

**GOVERNMENT OF KERALA****Abstract**

Public Works Department - Judgment dated 29/07/2024 in WP (C) No. 40549/2023 of Hon'ble High Court of Kerala, filed by Sri.P.V.Sadanandan - Complied with - Orders issued.

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**PUBLIC WORKS (G) DEPARTMENT**

G.O.(Rt)No.544/2025/PWD Dated,Thiruvananthapuram, 05-04-2025

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Read 1 Letter no. CEPWD/10549/2021-Vig8-AD dated  
06/11/2021 from PWD (Vigilance Wing),  
Thiruvananthapuram

2 Govt. letter no. PWD-H3/199/2021-PWD dated 17/08/2022

3 Judgment dated 22/05/2023 in WP(C) No. 30061/2022  
filed by Sri. P. V. Sadanandan

4 Letter submitted by the petitioner to the Chief Engineer,  
PWD, dated 29/05/2023

5 Proceedings no. CEPWD/10378/2021-C6(W)-RD of the  
Chief Engineer, PWD (Roads), Thiruvananthapuram dated  
26/10/2023

6 Judgment dated 29/07/2024 in WP(C) No. 40549/2023  
filed by Sri. P. V. Sadanandan

7 Letter no. CEPWD/10378/2021-C6(W)-RD dated  
19/11/2024 & 03/03/2025 from the Chief Engineer, PWD  
(Roads), Thiruvananthapuram

## **ORDER**

As per the judgement in WP(C) No.40549/2023 filed by Sri. P. V. Sadanandan read as 6<sup>th</sup> paper above, it was directed to the 1<sup>st</sup> respondent (the State of Kerala, represented by the Secretary, Public Works Department) to consider Exhibit P9 representation and take a decision there on, uninfluenced by the earlier orders and by taking into account of the findings in Exhibit P4 report. For the purpose of such consideration, the relevant file shall be placed before the 1<sup>st</sup> respondent.

2. Exhibit P9 is the letter submitted by the petitioner to the Chief Engineer, PWD dated 29/05/2023, read as 4<sup>th</sup> paper above. Exhibit P4 is the report dated 06/11/2021 from the Deputy Chief Engineer, PWD (Vigilance) to the Secretary, PWD, read as 1<sup>st</sup> paper above.

3. The Chief Engineer, PWD (Roads) in his report read as 7<sup>th</sup> paper above stated that the contract work "B/W 2020-21 effecting improvements to Jawahar Road by providing drainage facilities and foot path at ch.0/200 to 0/700 in Ernakulam Dist" was awarded to Sri.P.V.Sadanandan, and the site was handed over on 04/03/2021. Since Covid pandemic was at its peak during that time, the contractor could commence the work only on 22/09/2021. Thereafter while the work was in progress, an allegation was circulated through social media, based on a video footage of the concreting work of the wearing coat for providing drainage facility being carried out while the drain was in a submerged condition. Immediately, the petitioner was directed to stop the work and issued with a show cause notice.

4. The PWD Vigilance wing conducted an inspection in the site and submitted a report in this regard, read as 1<sup>st</sup> paper above. Government have examined the report thoroughly and directed the Chief Engineer to take action for the time-bound completion of the work. Later, after examining the report from the Chief Engineer and the explanation submitted by the Contractor to the Department, government have directed the Chief Engineer (Roads) to re-arrange the balance work with the risk and cost, vide letter read as 2<sup>nd</sup> paper above.

5. Challenging these orders, the contractor filed WP(C) No. 30061/2022 and in compliance of the directions in the judgment read as 3<sup>rd</sup> paper above, the petitioner was called for a hearing in the Chief Engineer's office. It was observed in the hearing that as per the SBD condition, the contractor is bound to execute the work as per the specification and direction of the departmental officers. Also the execution of the wearing coat of drain by the petitioner was without informing the departmental officers and therefore is a clear violation of agreement condition. It was also found that the order issued by the Executive Engineer to terminate the work was purely on public interest and in tune with SBD conditions. Hence vide proceedings read as 5<sup>th</sup> paper above, it was ordered that the order issued by the Executive Engineer to terminate the work is purely on public interest and the petitioner's request to revoke the termination can not be admitted.

6. Government have examined the matter in detail. As per the SBD condition, the contractor is bound to execute the work as per the specification and direction of the departmental officers. Therefore the execution of the wearing coat of drain by the petitioner without informing the departmental officers was a clear violation of agreement condition. The government have given direction vide the order read as

2nd paper above to re-arrange the work at risk and cost, after thorough examination of the report from the Chief Engineer and the explanation submitted by the Contractor to the Department, and it was on public interest and in tune with SBD conditions. Considering all the facts mentioned above and by taking into account of the findings in Exhibit P4 report, the petitioner's request in Exhibit P9 representation, for revoking the termination cannot be considered and, therefore, rejected. The judgement in the above Writ Petition is thus complied with.

(By order of the Governor)

K BIJU I A S

SECRETARY

To:

Sri. P.V. Sadanandan, Pottassery House, Vaduthala P.O. Kochi

The Advocate General, Ernakulam (with covering letter)

The Chief Engineer, PWD Roads Division, Thiruvananthapuram

The Superintending Engineer (Roads & Bridges), Central Circle,  
Aluva

The Executive Engineer, Roads Division, Ernakulam

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

The Public Works (H) Department (Vide PWD-H3/48/2025-PWD dated  
22.03.2025)

Stock File/Office Copy/Website

Forwarded /By order

Section Officer

