IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

TUESDAY, THE 8TH DAY OF APRIL 2025 / 18TH CHAITHRA, 1947

WA NO. 319 OF 2024

AGAINST THE JUDGMENT DATED 17.01.2024 IN WP(C) NO.1532 OF 2024 OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

SAJI D., AGED 56 YEARS
S/O. DIVAKARAN, CONTRACTOR, NIRAPURACKAL HOUSE,
KOONAMKARA P.O., PATHANAMTHITTA DISTRICT,
PIN-689711.

BY ADVS.
BABU JOSEPH KURUVATHAZHA
ARCHANA K.S.
MOHAMMED SHAFI.K
NOEL EALIAS

RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
DEPARTMENT OF PUBLIC WORKS, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001

2 CHIEF ENGINEER
PUBLIC WORKS DEPARTMENT (ROADS), PUBLIC OFFICE
COMPLEX, PUBLIC OFFICE P.O., THIRUVANANTHAPURAM.,
PIN - 695033

3 SUPERINTENDING ENGINEER
PUBLIC WORKS DEPARTMENT, ROADS SOUTH CIRCLE, PMG,
VIKAS BHAVAN P.O., THIRUVANANTHAPURAM - 695033

4 ARJUNAN K.
CONTRACTOR, THERIVILA, VANDITHADOM, PALAPOOR, VELLAYANI P.O., THIRUVANANTHAPURAM DISTRICT., PIN - 695522

V.TEKCHAND, SENIOR GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08.04.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 8th day of April, 2025

Nitin Jamdar, C.J.

Heard Mr.Noel Ealias, learned counsel appearing for the Appellant and Mr.V.Tekchand, learned Senior Government Pleader appearing for the State.

2. On 29 October 2024, the following order was passed:

> *" Heard Mr.Noel Ealias, learned counsel for the Appellant and Mr.V.Tekchand, learned Senior Government Pleader.*
>
> *2. The contract which the Appellant and the State entered in was terminated in the year 2023. There is no interim order operating in this appeal.*
>
> *3. Learned counsel for the Appellant seeks time.*
>
> *4. No urgency. Post on 16 December 2024."*

The learned counsel for the Appellant had sought time. Thereafter, on 16 December 2024, time was again sought and the following order was passed :

> *"Heard Mr.Mohammed Shafi K., learned counsel for the Appellant/Petitioner and Mr.V.Tekchand, learned Senior Government Pleader.*
>
> *2. The Appellant/Original Petitioner is aggrieved*

> *by the termination of his contract. The learned Senior Government Pleader states that the work has been re-tendered. Prima facie, therefore, the remedy of the Appellant, if any, would be to seek damages.*
>
> *3. Request is made on behalf of the learned counsel for the Appellant for adjournment. No urgency. Post on 18 February 2025."*

Then, on 18 February 2025, again the learned counsel for the Appellant sought time and an order was passed as under:

> *"Heard Mr.Mohammed Shafi K, learned counsel for the Appellant.*
>
> *2. We have perused the orders dated 1 March 2024, 29 October 2024 and 16 December 2024. The learned counsel for the Appellant again seeks time.*
>
> *3. Post on 8 April 2025. Unless it is demonstrated that the cause can be taken forward under Article 226 of the Constitution of India, this Court may proceed to dispose of the Writ Petition."*

3. Today also, the same position continues and further time is sought by the learned counsel for the Appellant. It was already pointed out that the contract was terminated in the year 2023, the work was re-tendered and it was further observed that the Appellant's remedy, if any, would be to seek damages.

4. In the light thereof, the Appeal is disposed of.

Sd/-
Nitin Jamdar
Chief Justice

Sd/-
S. Manu
Judge

vgd/08.04.25

APPENDIX OF WA 319/2024

PETITIONER'S ANNEXURES

ANNEXURE A1	**TRUE COPY OF THE REPRESENTATION DATED 19.5.2024 SUBMITTED BY THE APPELLANT BEFORE THE 1ST RESPONDENT.**