

HON'BLE SRI JUSTICE P.NAVEEN RAO
WRIT PETITION NOS.13916 and 14262 of 2015

Date: 07.07.2015

W.P.No.13916 of 2015

Between:

The Kothagudem Municipal Sanitation Contract Workers
Labour Contract Mutually Aided Cooperative Society (Macs)
Limited, Kothagudem, Khammam district, rep.by President
A.Rama Rao, S/o. Durgaiyah, Aged 41 years, r/o.2-2-157,
Budidagadda, Kothagudem, Khammam District and another.

.. Petitioners

AND

The State of Telangana, rep.by Principal Secretary,
Municipal Administration, Secretariat, Hyderabad and
others.

.. Respondents

The Court made the following:

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COMMON ORDER:

The issue in these writ petitions is one and the same, both the writ petitions are heard together and with the consent of learned counsels for the petitioners as well as learned counsels for the respondents, both writ petitions are disposed of finally at the admission stage.

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2. Petitioners claim that petitioners 1 and 2 are the registered societies consisting of 96 and 50 members respectively. They have been doing sanitation works since long time. The respondent-corporation has been allotting works to their societies. Petitioners societies executed the work till recently. While so, on 29.04.2015, Chair Person of 3rd respondent Municipality passed resolution entrusting the same work to 4th respondent for a period of three months.

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3. Petitioner claims that it is a Dwakra Mahila Sangam consisting of 26 members registered as a Society on 01.08.2000. They have been doing sanitation works since the year 1999. The respondent-corporation has been allotting works to Sangam. Petitioners' society executed the work till recently. While so, on 29.04.2015, the Chair Person of 3rd respondent Municipality passed resolution entrusting the same work to 4th respondent for a period of three months. Aggrieved thereby these writ petitions are instituted.

4. Learned counsel for the petitioners submits that it was illegal on the part of the respondent-municipality to ignore the petitioners to award the contract to 4th respondent. He further submits that if respondent-municipality wants to entrust this nature of work, they should go for public auction and in terms of the orders of the Government in G.O.Ms.No.52 dated 10.03.2000 among various works entrusted by the Municipality, at least 15% of the work should be reserved entrustment to the individuals or societies of weaker sections belonging to SCs/STs and Vadderas. Without following norms prescribed by the Government and without going for public auction contract was awarded by way of nomination and the same is *ex facie* illegal.

5. Counter affidavit is filed by the 2nd respondent in W.P.No.14262 of 2015.

6. Learned standing counsel submits that there were illegalities committed by the petitioner societies and pending investigation and rectifying the illegalities, 3rd respondent passed resolution to grant contract to 4th respondent on nomination basis for a period of three months. On instructions, learned counsel submits that as stated by the deponent in para-6 of the counter-affidavit in W.P.No.14262 of 2015, the Municipality shall be conducting public auction to award contract.

7. Learned counsel for the petitioners extensively made submissions contending that petitioners were illegally ignored and there were no illegalities committed by the petitioners and to award the contract to the 4th respondent, a story was invented. On the contrary, learned standing counsel vehemently contends that there were illegalities committed by the petitioners. Contribution under ESI Scheme was not made and issue was under investigation. Pending investigation, the contract was awarded to 4th respondent, so that the works of the Municipality do not suffer.

8. The awarding of contract concerning any activity of the Municipality has to be in accordance with the procedure envisaged and without following due process, no contract can be awarded more so by way of nomination and awarding of contract by nomination to 4th respondent was erroneous.

9. Though awarding of contract by nomination was illegal, since the term of the contract is going to end by 31st July, 2015, I am not inclined to interfere with the continuation of the contract at this stage. However, respondent-corporation shall take immediate steps to conduct public auction and finalize the tenders and entrust the work by following due process to the successful bidder as expeditiously as possible and entire exercise shall be completed before end of 31st July, 2015. In view of the above no expression is made on merits of the rival contentions and they are left open.

10. With the above observations, these writ petitions are disposed of. There shall be no order as to costs.

Date : 07.07.2015
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JUSTICE P.NAVEEN RAO

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