

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.27128 of 2015

DATED : 26.08.2015

Between :

N. Ramachandra Reddy, S/o.Venkat Reddy,
Aged about 71 yrs, Occu : Business,
R/o.H.No.1-8-702/32/61, Nallakunta,
Hyderabad.

.. Petitioner

and

The State of Telangana,
Rep., by its Principal Secretary
Panchayat Raj Department,
Secretariat, Hyderabad & others.

.. Respondents

This court made the following :

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ORDER :

The petitioner is a PW & D Class-I Contractor and executing various works to the State Government. The work of laying road between Anisettipalli and Markodu in Tekulapalli Mandal, Khammam District was entrusted to the petitioner. According to the petitioner work was successfully completed. During the course of laying of road, the petitioner was asked to construct RCC/Culverts and also Barricades, diversion of traffic providing caution boards, paintings etc. According to the petitioner, these are additional works and as per the field staff specifications, the petitioner completed these works also. For the additional works undertaken by the petitioner, the petitioner sought for payment of additional amounts. The issue was considered by the Superintending Engineer, Panchayat Raj Circle, Khammam District and vide his letter dated 20.02.2015 rejected the claim of the petitioner. Aggrieved thereby, the petitioner went in appeal before the Appellate forum created under the agreement. The appeal was filed on 25.04.2015, but, so far the Appellate Forum has not taken any decision. Hence, this writ petition.

2. According to learned counsel for the petitioner, the petitioner is entitled to reimbursement for the additional works executed by him over and above the work entrusted to him, in terms of the contract. According to the terms of the contract, in Para 24, a Dispute Redressal System clause is provided for resolution of any dispute. Accordingly, the petitioner raised dispute before the Superintending Engineer, but the same was not considered by him. According to Para No.24.2 aggrieved by any such decision of the competent authority, a person can go before Standing Empowered Committee, and that the Committee shall decide the appeal. The inaction on the part of the Standing Empowered Committee for such long time, is causing hardship and suffering to the petitioner.

3. Having regard to the provision contained in Para 24 of the Terms of the Contract, and the fact that the petitioner has preferred an appeal within the time stipulated in Para No.24.2, of the terms of the Contract, I deem it proper to dispose of the writ petition directing the Standing Empowered Committee (respondents 4 and 5) to consider the appeal filed by the petitioner

on 25.04.2015 and pass appropriate orders and communicate the same to the petitioner, as expeditiously as possible preferably within a period of four weeks from the date of receipt of copy of this order. It is needless to observe that if the petitioner is aggrieved by any decision of the respondents 4 and 5, it is open to him to work out his remedies available in law.

4. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

26th August, 2015.
Rds

P.NAVEEN RAO,J