

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8586 of 2015

Date: 30-03-2015

Between:

Prasad Gardens Sri Durgamma Seva Sangam,

Represented by its President P. Nagaraju and 13 others

.. Petitioners

AND

The State of Andhra Pradesh, represented by its

Principal Secretary, Municipal Administration

& Urban Development Hyderabad and 3 others

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.8586 of 2015

ORDER:

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This writ petition is filed for a mandamus declaring the condition that the societies having experience in sanitation work can also participate in tender notification proceedings R.C.No.2153/2007/PH/F.3, dated 20-03-2015 calling for tenders with respect to night sanitation work for 16 packages and day sanitation work within the limits of Greater Visakhapatnam Municipal Corporation issued by the 3rd respondent as illegal, arbitrary and in violation of G.O.Ms.No.581 dated 06-11-1996 and G.O.Ms.No.30, dated 18-01-2000.

2. The main grievance of the petitioners is that the respondent Corporation issued a tender notification vide R.C.No.2153/2007/P.H./F.3, dated 20-03-2015 calling for tenders from Zone-I to Zone-6 within the limits of Bhimili Zone from Ex-badili workers worked in Municipal Corporation being Ex-Badili and persons belonging to SC/ST to do sanitation work and selected 16 packages pertaining to night sanitation work and also to perform day work tenders in violation of G.O.Ms.No.581 Municipal Administration & Urban Development (G2) Department, dated 06-11-1996. Challenging the said tender notification, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri S. Lakshminarayana Reddy, learned standing counsel for the respondent Corporation.

4. Learned counsel for the petitioner submits that condition No.2 of the tender conditions is in violation of condition No.2 (2) of G.O.Ms.No.581, dated 06-11-1996 as it specifies that Badili workers of the respondent Corporation who are retired employees having experience of sanitation work are eligible for entrustment of sanitation work as per G.O., and the impugned tender notification is contrary to the said G.O.

5. On the other hand, Sri S. Laxminarayana Reddy, learned standing counsel for the respondent Corporation that the impugned notice issued is in consonance with G.O.Ms.No.581, dated 06-11-1996.

Condition No.2 of the tender notification reads as follows:

“.....As per G.O.Ms.Nos.581 and 30, the members belonged to retired public Health workers or their dependents and other Scheduled Caste/Scheduled Tribe Community people having experience of sanitation work such as Badili workers whose society is registered with the Societies Registration Act can participate in the tender process.....”

6. A reading of the tender condition No.2 would go to show that the tender conditions specified therein do not violate the conditions specified in G.O.Ms.No.581, dated 06-11-1996. It is also stated that the petitioners have participated in the earlier tender process without any opposition. Therefore, having regarding to the facts and circumstances of the case, I do not find any illegality or infirmity in the tender notification and the contentions of the

petitioners cannot be accepted at their face value, and hence, the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

Date: 30-03-2015

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