

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.687 of 2015

Date: 23-02-2015

Between:

The Municipal Sanitary Labour Contract Cooperative
Society Limited, represented by its Secretary,
Nizamabads

.. Petitioner

AND

The Municipal Commissioner, Nizamabad Municipal
Corporation and another

.. Respondents

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Writ Petition No.687 of 2015

ORDER:

-

This writ petition is filed for a mandamus declaring the action of the 1st respondent in not paying 4% service charge to the petitioners' society from November, 2012 onwards as per the conditions stipulated in work order dated 09-08-2011 of the 1st respondent as illegal and arbitrary and for a consequential direction to the 1st respondent to pay 4% service charge to the petitioners' society w.e.f. November 2012 to till the petitioner's society continuing

sanitation work in the 1st respondent Corporation.

2. The case of the petitioner is that the petitioner society is a registered society under A.P. Cooperative Societies Act vide Regd. No.TJ 1009 dated 26-02-2009 and the society is having 55 members and 3 members belong to B.C. community and the members of the petitioner society are doing sanitary work like cleaning, drainage and sweeping roads and lifting the garbage etc. It is stated that by proceedings dated 09-08-2011 issued by the 1st respondent, the sanitation work for four divisions i.e. 9, 10, 26 and 27 were allotted to the petitioner society for maintenance of sanitation and as per the conditions prescribed, the Municipal Corporation has to pay 4% of service charges to the society. It is also stated that the Government has taken a policy decision in G.O.Ms.No.581, dated 06-11-1996 and G.O.Ms.No.30, dated 18-01-2000 directing all the Municipal Corporations and Municipalities in the State to entrust the portion of the sanitation work to the societies formed by the sanitary workers union without the necessity of their participation in any tenders, for securing improvement in the efficiency of sanitation and the petitioner society was allotted the work in four division in Nizamabad Corporation by the 1st respondent on 09-08-2011 by following Government Orders and instead of continuing the petitioner's society, the 1st respondent issued tender notice dated 21-11-2012 for maintenance of sanitation work in divisions i.e. 9, 10, 26 and 27 and challenging the same, the petitioner filed W.P.No.38081 of 2012 and this court disposed of the said writ petition along with similar W.P.Nos.16 of 2013 and 3848 of 2013 dated 26-02-2013 directing the 1st respondent to follow the Government orders for entrustment of sanitation work to the societies. In pursuance of the said orders, the 1st respondent issued work order dated 20-03-2013 to the petitioners' society for 11 months from 20-03-2013 to 31-01-2014 and thereafter by work order dated 28-01-2014, the contract period was extended for one year from 01-02-2014 to 31-01-2015 and one of the conditions stipulated in the original contract work order dated 09-08-2011 is that the petitioner's society will be paid 4% of service charge apart from their daily wage of Rs.223/- per day and the daily wage was enhanced from Rs.223/- to Rs.276/- per day from March, 2014 and the 1st respondent paid 4% of service charge up to October, 2012 as per the conditions stipulated in the work order and the same was stopped from November, 2012 onwards without any reason

or intimation to the petitioners' society, for which the petitioner's society made a representation to the 1st respondent dated 22-08-2014, but the 1st respondent neither responded to the said representation nor passed any orders thereon. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and Sri R. A. Chari, learned standing counsel for the 1st respondent.

4. Since it is stated that the petitioner society has already made a representation for their grievance to the 1st respondent, which is pending before the 1st respondent, it is for the competent authority to consider and pass appropriate orders thereon.

Accordingly, the writ petition is disposed of directing the 1st respondent to consider the representation of the petitioner dated 22-08-2014 and pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of the order. 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: 23-02-2015

Ksn