

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.33724 of 2015

DATED : 12.10.2015

Between :

M/s. M.K. Man Power Suppliers,
Rep., by its Proprietor M.A.Khavi,
S/o.M.A.Qayyum, Aged about 31 yrs,
Regd. Office at H.No.5-8-200,
Rahmathnagar, Nalgonda,
R/o.Bhongir, Nalgonda District.

.. Petitioner

and

The Municipal Commissioner,
Bhongir Municipality, Bhongir,
Nalgonda District & 2 others.

.. Respondents

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner claims to be the contractor supplying man power for maintenance of sanitation work in various municipalities in Nalgonda District. In terms of the contract granted to the petitioner by the Bhongir Municipality, petitioner undertook the work from 01.10.2013 to 30.09.2014. However, tender notification was issued on 12.09.2014 for the period from 01.10.2014 to 30.09.2015 for four sanitation works i.e., Zone I to IV in Bhongir Municipality. The petitioner claims to have quoted the lowest bid amount and instead of awarding contract to him, they have gone for fresh tender notification which was issued on 01.10.2014. Challenging the same, the petitioner filed W.P.No.30093 of 2014. In pursuant to the interim orders granted by this Court, as the existing contractor, the petitioner was continued for the subsequent year also. Petitioner challenges the tender notification to award contract for the period from 01.10.2015 to 30.09.2016.

2. As averred by the petitioner in the affidavit filed in support of this writ petition, as the period of contract

even for subsequent period expired by 30.09.2015, the Municipality now issued fresh tender notification for the subsequent period. When auction was conducted to award contract for the period from 01.10.2014 to 30.09.2015, though he was successful tenderer illegally contract was not awarded to him and a fresh tender notification was issued, compelling him to file W.P.No.30093 of 2014 challenging such illegal action and the petitioner is continued as contractor pursuant to interim order of this Court. The present tender notification is challenged only on the ground that during the pendency of said writ petition, the Municipality could not have issued fresh tender notification.

3. As seen from the averments in the affidavit filed in support of the writ petition, contract is awarded on year to year basis. He was awarded contract for the period from 01.10.2013 to 30.09.2014. After completion of said period fresh tender notification was issued concerning the period from 01.10.2014 to 30.09.2015. Thus, earlier tender notification and W.P.No.30093 of 2014 was relating to the period ending on 30.09.2015. On account of the interim order granted by this Court, petitioner continued to supply the man power as required till 30.09.2015. Since the contract period which was the subject matter of W.P.No.30093 of 2014 is already over, there is no illegality or irregularity in issuing the fresh tender notification. Thus, I see no error in issuing tender notification. There is no merit in the writ petition, and the same is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. However, dismissal of this writ petition do not come in the way of petitioner participating in the tenders called for by the respondents on 07.10.2015. There shall be no order as to costs.

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

P.NAVEEN RAO,J

12th October, 2015.
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