

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION NOs.28277, 28463, 30230, 30265 and 31017 of 2015

DATED:04-11-2015

W.P. No.28277 of 2015

Between:

Rayachoty Municipality Sanitation Labour

Welfare Association

Rep. by its President N. Sreenivasulu

Rayachoty ... Petitioner

And

The State of Andhra Pradesh

Rep. by its Principal Secretary

Municipal Administration & Urban Development

Secretariat

Hyderabad

and others ... Respondents

... Respondents

COUNSEL FOR THE PETITIONER : Mr. P. Subhash

COUNSEL FOR RESPONDENT NOs.1 and 3 : G.P. for Municipal

Administration (A.P.)

COUNSEL FOR RESPONDENT NO.2 : Mr. Md. Saleem

COUNSEL FOR RESPONDENT NOS.4 and 5 : Mr. V.R. Reddy Kovvuri

THE COURT MADE THE FOLLOWING:

COMMON ORDER:

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W.P. No.28277 of 2015 is filed by Rayachoty Municipality Sanitation Labour Welfare Association, for the following relief:

*“...to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 2nd Respondent Municipality in not awarding the contract in favour of the petitioner society for supply of contract workers for maintenance of sanitation by outsourcing staff (Unit-I&II) in pursuance of the Tender Notice vide Roc.No.204/F1/2015 dated.24-07-2015 in spite of the fact that the petitioner society is successful bidder and in spite of complying all the pre and post tender terms and conditions and also in spite of the representation dated 07-08-2015 so far as illegal, arbitrary, unconstitutional and also contrary to the procedure contemplated under the A.P. Municipalities Act, 1965 and consequently*

*direct the 2nd Respondent to award the contract in favour of the petitioner society in pursuance of the Tender Notice vide Roc.No.204/F1/2015 dated.24-07-2015 issued by the 2nd Respondent forthwith."*

W.P. No.28463 of 2015 is filed by Purapalaka Manchineeti Sarafara Mariyu Vidyudeekarana Samkshema Sangham, for the following relief:

*"...to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the 2nd Respondent Municipality in not awarding the contract in favour of the petitioner society for supply of contract workers for maintenance of new veligallu water scheme by outsourcing staff in pursuance of the Tender Notice, vide Roc.No.677/E1/2013 dated.24-07-2015 in spite of the fact that the petitioner society is successful bidder and in spite of complying all the pre and post tender terms and conditions and also in spite of the representation dated 11-08-2015 so far as illegal, arbitrary, unconstitutional and also contrary to the procedure contemplated under the A.P. Municipalities Act, 1965 and consequently direct the 2nd Respondent to award the contract in favour of the petitioner society in pursuance of the Tender Notice vide Roc.No.677/E1/2013 dated.24-07-2015 issued by the 2nd Respondent forthwith."*

W.P. No.30230 of 2015 is filed by Dr. Y.S.R. Labour Contract and Outsourcing Agency, for the following relief:

*"... to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondent No.2 in awarding contract even after resolving by the council of the respondent No.2 that the petitioner is declared as successful bidder in pursuance of the Short Tender Notice in Roc No.677/E1/2013, dated 24-07-2015 for supply of man power for maintenance of water supply and street lighting in the respondent No.2 Municipality on Outsourcing basis as arbitrary, illegal, abdication of the statutory duty cast on him and violative of fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.2 to award the contract for supply of manpower to maintain water supply and street lighting in the respondent No.2 Municipality for the year, 2015-2016 in pursuance of the Short Tender Notice in Roc No.677/E1/2013, dated 24-07-2015 and also the resolution No.182/2015, dated 07-08-2015 passed by the Council of the respondent No.2."*

W.P. No.30265 of 2015 is filed by Purapalaka Parisudhya Karmika Samkshema Sangham, for the following relief:

*"...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondent No.2 in awarding contract even after resolving by the council of the respondent No.2 that the petitioner is declared as successful bidder in pursuance of the Short Tender Notice in Roc No.204/F1/2015, dated 24-07-2015 for supply of man power for execution of public sanitation work in Unit-II of the respondent No.2 Municipality on outsourcing basis as arbitrary, illegal, abdication of the statutory duty cast on him and violative of fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.2 to award the contract for supply of manpower for execution of public sanitation work in Unit-II of the respondent No.2 Municipality for the year 2015-2016 in pursuance of the Short Tender Notice in Roc No.204/F1/2015, dated 24-07-2015 and also the resolution passed by the Council of the respondent No.2."*

W.P. No.31017 of 2015 is filed by Siva Sai Veera Bhadra Municipal Workers' Welfare Association, for the following relief:

*"...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of*

*Mandamus declaring the inaction on the part of the respondent No.2 in awarding contract even after resolving by the council of the respondent No.2 that the petitioner is declared as successful bidder in pursuance of the Short Tender Notice in Roc No.204/F1/2015, dated 24-07-2015 for supply of manpower for execution of public sanitation work in Unit-I of the respondent No.2 Municipality on outsourcing basis as arbitrary, illegal, abdication of the statutory duty cast on him and violative of fundamental rights guaranteed to the petitioner under Articles 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.2 to award the contract for supply of manpower for execution of public sanitation work in Unit-I of the respondent No.2 Municipality for the year 2015-2016 in pursuance of the Short Tender Notice in Roc No.204/F1/2015, dated 24-07-2015 and also the resolution passed by the Council of the respondent No.2.”*

As could be seen from the above extracted prayers, questioning the inaction of respondent No.2 - Rayachoty Municipality, in awarding contract for supply of contract workers for maintenance of sanitation by outsourcing staff in pursuance of Tender Notice in Roc.No.204/F1/2015, dt.24.7.2015 W.P. No.28277 of 2015 is filed. Similarly, questioning the inaction of the Municipality in awarding contract for supply of contract workers for maintenance of new veligallu water scheme by outsourcing staff in pursuance of Tender Notice in Roc.No.677/E1/2013, dt.24.7.2015, W.P. No.28463 of 2015 is filed. Both the said writ petitions are filed by different associations contending that though they are successful bidders and that they have complied with all the tender conditions the respective contracts were not awarded to them by respondent No.2 - Municipality. Therefore, they sought for consequential directions to respondent No.2 – Municipality to award the respective contracts to them.

Thereafter, the rival tenderers, i.e., respondent Nos.4 and 5 in W.P. No.28277 of 2015 have filed W.P. Nos.31017 and 30265 of 2015 respectively while respondent No.4 in W.P. No.28463 of 2015 has filed W.P. No.30230 of 2015, for similar reliefs mainly contending that even after Resolutions passed by the Council of respondent No.2 - Municipality declaring them as successful bidders in pursuance of the Tender Notices in question for the respective works, the contracts were not awarded to them.

At the hearing, it has come out that in pursuance of the interim orders granted by this Court in W.P. Nos.28277 and 28463 of 2015 the contracts were awarded to the petitioners therein, but later the Municipal Council of respondent No.2 - Municipality has cancelled the award of works to the said petitioners and resolved to award the works in favour of the petitioners in W.P. Nos. 30230, 30265 and 31017 of 2015.

In the light of the above facts and circumstances of the case, respondent No.2 –

Municipality is directed to consider the case of the petitioners in W.P. Nos.30230, 30265 and 31017 of 2015 for award of the contracts in pursuance of the Resolutions passed by it, however, without prejudice to the petitioners in W.P. Nos.28277 and 28463 of 2015 to avail fresh legal remedies available to them to question cancellation of contracts.

The writ petitions are accordingly disposed of.

As a sequel to disposal of the writ petitions, interim orders dt.3.9.2015 in W.P.M.P. No.36658 of 2015 in W.P. No.28277 of 2015 and, dt.4.9.2015 in W.P.M.P. No.36908 of 2015 in W.P. No.28463 of 2015 shall stand vacated and pending miscellaneous petitions in all these writ petitions shall stand disposed of as infructuous.

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C.V. NAGARJUNA REDDY, J

4-11-2015

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