

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.1876 OF 2015

ORDER:

Heard learned counsel for the petitioner and the Government Pleader.

The petitioner invokes the jurisdiction of this Court under Article 226 of the Constitution of India complaining against the action of 3rd respondent in not calling tenders for outsourcing the services, namely, sanitation, security guards etc. and further terminating the petitioner's contract, as illegal and unconstitutional.

The cause for approaching this Court with contradictory prayers is definitely attributed to the letter dated 05.12.2014 addressed by the Member of Legislative Assembly to 3rd respondent.

This Court granted time for filing counter affidavit to the respondents.

The 3rd respondent filed counter affidavit *inter alia* expressing the circumstances under which the petitioner has been extending services referred to above. On the crucial aspect of the matter, the stand of the respondents is as follows:

"It is submitted that, the petitioner filed the writ petition assuming that he may be terminated as per the instructions of the MLA without issuing any notice to the petitioner society. The Hospital Development Society/APSMIDC (Andhra Pradesh State Medical Health Infrastructure Development Corporation), Hyderabad will follow the existing tender procedure to award fresh contract as per the directions of higher authorities. The petitioner society is still continuing the sanitation and security services to the MCH Hospital till today"

From the above, it is clear that on apprehension, the jurisdiction of this Court is invoked. Further not only the procedure will be followed to award fresh contract but also that the petitioner is continuing to provide sanitation and security services to 3rd respondent hospital till today.

The stand of respondents is placed on record and it is observed that the discontinuation apprehended basing upon the letter dated 05.12.2014 is denied by the respondents.

With the above observations, the writ petition is disposed of. No order as to costs. The respondents are directed to expeditiously complete the process of awarding fresh contract preferably within a period of three months from the date of receipt of copy of this order.

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

S.V.BHATT, J

Date:09.03.2015

Stp