

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WIRT PETITION No.32928 OF 2015

ORDER:

The petitioner is aggrieved with the work order dated 25.09.2015 issued in favour of the 5th respondent.

2. It is the contention of the petitioner that without calling for tenders the 5th respondent was allotted permit for transportation of commodities under Mandapeta MLS Point, for the year 2015-2016. However, it is also the contention of the learned counsel for the petitioner that the petitioner has been serving the Corporation for the last 20 years in transporting the PDS stocks to the fair price shops in Mandapeta and Kadiyam Mandals and he ought to have been given the work.
3. Learned standing counsel appearing for the 4th respondent submits that the work order granted in favour of the petitioner is expired by 30.09.2015. In terms of the order of this Court in W.P.No.25243 of 2015 dated 09.09.2015, petitioner was permitted to carry on the work and there is no dispute about the same. He would further submit that this Court while admitting the writ petition directed the respondents to consider the representation of the petitioner. The representation of the petitioner was considered and the same came to be rejected.
4. Having considered the arguments on behalf of both the parties, it can be seen from the orders of this Court in W.P.No.25243 of 2015, the petitioner challenged the awarding of work of transportation from 01.07.2015 in favour of the 5th respondent on the ground that the contract in his favour is subsisting and he is entitled to carry the work till 30.09.2015. The same was accepted and interim order was granted in his favour on 12.08.2015 and recording the submission made on behalf of the Corporation Writ Petition was disposed of, by which the petitioner in fact successfully completed the transportation work

upto 30.09.2015. In other words, there is no subsisting right in the petitioner to undertake the contract work after 30.09.2015. Further, in the light of the fact that the 5th respondent was already entrusted with work on 01.07.2015 which was not declared as null and void, entrusting of the work in favour of the 5th respondent by impugned proceedings dated 25.09.2015 cannot be found fault. In fact, petitioner can have no grievance about the same. In that view of the matter, the writ petition is misconceived and is liable to be dismissed.

5. Accordingly, the Writ Petition is dismissed. However, the dismissal of the writ petition, in the facts of the case, does not disentitle the petitioner to participate in the tender process. There shall be no order as to costs. Consequently, the miscellaneous petitions pending, if any, shall also stand closed.

CHALLA KODANDA RAM, J

Dated: 03.03.2016

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