

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.20712 of 2015

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Between:

Ambedkar S.C. Mutually Aided Labour Contract
Cooperative Society Ltd.,
Rep. by President Sri Sirigiri Ramchander.

PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department (Endowment), Secretariat, Hyderabad, and others.

RESPONDENT

ORDER:

This writ petition is filed questioning the proceedings dated 17.06.2015 issued by the Commissioner, Endowments Department, the 2nd respondent herein, instructing the Executive Officer of the 3rd respondent-temple to call for fresh tenders duly following the procedure prescribed without giving any scope for complaints in the matter.

The case of the petitioner is that it participated in the e-tender dated 13.02.2015 issued in Sakshi Telugu Daily Karimnagar Edition, for supply of labourers for preparation of Prasadam for Raja Rajeswara Swamy Devasthanam, situated at Vemulawada, Karimnagar District. After due process/scrutiny, the tender of the petitioner was finalized and the petitioner was issued work order dated 31.03.2015. In terms of the said work order the petitioner is entitled to carry out the work entrusted to it from 01.04.2015 to 31.03.2016 temporarily till obtaining final approval from the 2nd respondent. While so, the 3rd respondent issued notice dated 29.06.2015 stating that the 2nd respondent, vide proceedings dated 17.06.2015 directed him to reject the tender dated 23.03.2015 and not to approve entrustment of work and call for fresh tenders without any complaints. In response to the said notice, the petitioner submitted a detailed representation on 30.06.2015 to the 2nd respondent opposing invitation of fresh tenders, but in vain. Therefore the petitioner filed the present writ petition.

This Court while issuing notice before admission on 08.07.2015 granted interim stay of all further proceedings in pursuance of proceedings dated 17.06.2015.

In response to the notice Sri Ch. Satish Kumar, learned Standing Counsel for 3rd respondent-Temple, filed vacate stay petition

along with counter affidavit. In the counter it is stated that the Commissioner had not accepted the work order having been given to the petitioner, and directed to reject the same and call for fresh tenders. It was also further asserted that under Rules 10 and 12 (1), (2) and (3) of A.P. Charitable and Hindu Religious Institutions and Endowments Immovable properties and other rights (Other than Agricultural Lands) lease and License Rules, 2003 the Commissioner is the ultimate authority and has power to reject any tender.

By relying on the work order dated 31.03.2015 the learned Standing Counsel submits that issuance of work order itself is a temporary arrangement till obtaining of final approval from the 2nd respondent-competent authority, and hence there is no illegality in issuing the impugned notice following the instructions of the Commissioner, and the same cannot be found fault with.

Learned Government Pleader for Endowments supports the arguments of the learned Standing Counsel.

Admittedly, in the proceedings dated 17.06.2015 issued by the 2nd respondent except directing the 3rd respondent for issuance of fresh tenders so as to not to give any scope for complaints in the matter, no discernible reason is forthcoming. Unfortunately, there is no counter affidavit filed by the 2nd respondent-Commissioner Endowments justifying the reasons for issuance of proceedings dated 17.06.2015. In that view of the matter, the attempt on the part of the 2nd respondent in trying to cancel the accepted tender/work order in favour of the petitioner, which is valid up to 31.03.2016, cannot be sustained.

In view of the same, the writ petition is allowed setting aside the impugned proceedings dated 17.06.2015. However, this order does not in any way confer any right on the petitioner to continue to carry on the work beyond 31.03.2016. It is made clear that the respondents are at liberty to take steps, if they are advised, in accordance with law.

As a sequel, pending miscellaneous petitions, if any, shall

stand closed.

8th March, 2016
Js.

CHALLA KODANDA RAM, J.