

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.6624 of 2013, 35078 of 2014, 7551 of 2015 & 24893 of 2017

COMMON ORDER:

Heard learned counsel for the petitioners and learned Standing Counsel for the Corporation.

These writ petitions are being disposed of by this common order as they relate to the same subject matter.

W.P.Nos.6624 of 2013, 7551 of 2015 and 24893 of 2017 are filed challenging the tender notifications issued from time to time by the Andhra Pradesh State Civil Supplies Corporation Limited (for short 'the Corporation'). The petitioner-Association was registered in the year 2010 and there are 22 members engaged in transportation of food grains and other essential commodities at Stage-II. The members belong to Scheduled Caste community.

W.P.No.35078 of 2014 is filed challenging the proceedings, dated 2.10.2014, issued by respondent No.4 changing MLS points from Jammalamadugu, Muddanur, Yerraguntla to Badvel, B.Mattam, Gopavaram, B.Kodur and Rajampet MLS points respectively.

When a notification was issued calling for tenders for transportation of food grains and other essential commodities to

Mandal Stock Points, fair price shops (mid-day-scheme) and other places decided by the Government in YSR Kadapa District in 2015, W.P.Nos.6624 of 2013, 7551 of 2015 and 24893 of 2017 were filed on the ground that the representation submitted by the petitioner-Association was not considered. They mainly relied on a Government Memo, dated 12.08.1985, giving some concessions to the persons belonging to Scheduled Caste beneficiaries. In the said Memo, the Collectors were directed to examine the feasibility of adopting the Scheme of transport of essential commodities as is being in vogue in Nalgonda District which was found beneficial to the Scheduled Caste beneficiaries. The Collectors were requested to identify the Scheduled Caste beneficiaries in their respective jurisdiction so that they can be entrusted with the transportation of essential commodities from the stockist point to the fair price shops. The Collectors were also requested to arrange bank loans for those beneficiaries. The Andhra Pradesh State Essential Commodities Corporation Limited was directed to provide margin money under the Scheme from out of the funds released by the Andhra Pradesh Scheduled Castes Finance Corporation on the indents made by the Collectors concerned. The Chairman, Allwyn offered the supply of Cab-Star vehicles and the same was also directed to be taken into account.

Thereafter, some transport contractors in East Godavari District and one Transport Contractor in YSR Kadapa District filed W.P.Nos.5920 of 2010 and 22772 of 2012 and both the writ petitions were disposed of by this Court on 17.03.2010 and 29.10.2012 respectively holding that it was only a one time measure, was intended to benefit the Scheduled Caste beneficiaries and to provide the contract on nomination basis. It was also observed that it cannot be a permanent arrangement and the respondents therein were entitled to issue the tender notifications and the petitioners therein were entitled to participate in the same.

In these writ petitions, the petitioners rely on the same Scheme which was envisaged in 1985 for providing contract on nominations basis.

By virtue of the interim orders passed in the instant writ petitions, the Corporation could not take steps for going ahead with the tender process.

Now, the Joint Collector & Ex-Officio Executive Director, Andhra Pradesh State Civil Supplies Corporation Limited filed a counter-affidavit denying the application of 1985 Scheme and further stating that the tenders are called for every year and the Government decided to award the transportation work from MLS points to fair price shops after finalisation of tenders as per the

procedure, to suitable and eligible persons. The petitioners themselves are transport contractors for the last 20 years and they are not allowing other eligible persons to work as transport contractors. The petitioner-Association was also verified and it was noticed that 50% of the members of the Association are the family members like wife, son, daughter-in-law etc. Out of 22 members, 13 members have tendered their resignation. The Corporation wanted to introduce a unified transport system and in furtherance of the same, the tender process was initiated.

Though the learned counsel for the petitioners tried to elevate the 1985 Scheme to the level of providing reservation, this Court is not in agreement with the said submission. The Memo was issued only to provide assistance to the Schedule Caste beneficiaries and in the absence of fixing any percentage of reservation to various communities in the society, it cannot be called as an order providing reservations to the weaker-sections of the society.

In view of the above, this Court is not inclined to interfere with the tender process initiated by the Corporation and it is open to the petitioners to participate in the tender process. This order does not prevent the official respondents from framing appropriate policy of reservation if they so choose at a future date.

W.P.Nos.6624 of 2013, 7551 of 2015 and 24893 of 2017 are accordingly dismissed.

In view of disposal of the above stated writ petitions, no further orders are required in W.P.No.35078 of 2014, which is accordingly closed.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

Dt:03.08.2017

kdl



A.RAMALINGESWARA RAO,J