THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.11690 of 2017

ORDER:

This writ petition filed under Article 226 of the Constitution of India challenges letter bearing No.W6/122(2)/2016-UPA, dated 17.02.2017, terminating the allotment order of outsourcing contract to the petitioner.

Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents.

Pursuant to the tender notification, dated 10.08.2016, the petitioner was declared as successful bidder for allotment of outsourcing contract for providing E-27 Retired Security Guards at ZWS/UPL. The Works Manager, Telangana State Road Transport Corporation, 2nd respondent, vide proceedings, dated 24.10.2016, issued allotment order with some terms and conditions. Admittedly, the petitioner could not satisfy the terms and conditions. The reason, as submitted by the learned counsel for the petitioner, for failure to adhere to the said terms and conditions is that the respondents incorporated the condition, which cannot be fulfilled. The fact remains that the petitioner participated in the tender process on his own accord and agreed for certain terms and conditions.

It is submitted by the learned Standing counsel for the respondents that the respondent – Corporation has issued a fresh tender notification on 23.03.2017.

It is evident from the cancellation of the allotment order, dated 17.02.2017, that by way of notice, dated 06.12.2016, the petitioner was asked to commence the work within seven days, but, the petitioner neither commenced the work nor submitted his explanation. Therefore, by invoking the terms and conditions the respondent Corporation terminated the allotment order. Having agreed the terms and conditions of the tender notification, it is not open for the petitioner to express his inability to adhere to the said conditions.

For the aforestated reasons, this Court does not find any valid reason to meddle with the impugned order in the absence of any statutory violation.

The writ petition is, therefore, dismissed.

Miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 03.04.2017
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