

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.7716 OF 2017

ORDER:

The writ petition is filed challenging the action of the 2nd respondent for not extending the benefits provided under G.O.Ms.No.398 dated 05.09.1990, which was issued in favour of certain deprived classes of the society.

It is the contention of the learned counsel for the petitioner that the G.O.Ms.No.398 dated 05.09.1990 as well as G.O.Ms.No.52 dated 18.03.2000 provide for certain concessions to the Scheduled Tribes, Scheduled castes, Wadderas Labour Cooperative Contract Societies and also Back Ward classes etc. Under the said G.Os, various concessions have been provided for the eligible societies apart from reserving 15% of the work in their favour. Contrary to the same, the 2nd respondent temple had invited the tenders dated 25.02.2017, for supply of workers for carrying the work in Sri Raja Rajeshwara Swamy Vari Devasthanam, Vemulawada.

Learned counsel for the petitioner, while drawing the attention of this Court, to the judgment dated 28.06.2016, passed by this Court in W.P.No.17550 of 2016, contends that this Court had in fact allowed the said writ petition as the tender was sought to be given to 4th respondent in violation of the tender norms.

On the other hand, learned standing counsel for 2nd respondent Devasthanam contends that the said G.Os have been issued by the Transport, Roads and Buildings Department and they are not applicable to the petitioner's society. He would further submit that the nature of the work for which the tender is called for is the general work and there was no stipulation was made with respect to the previous experience and the same has been done only to invite the wider participation.

Having considered the respective submissions and a close scrutiny of both the G.Os, does not disclose that the same has been made applicable to the temples and other endowment organizations. In those circumstances, not extending the benefit of the above said G.Os by the 2nd respondent, cannot be found fault.

So far as the contention of the learned counsel for the petitioner with respect to the removal of the word “experience”, it is well settled that the tendering authority is the best suited to determine as to whether the previous experience is required or not. In the present case on hand, the work for which tender has been issued, is only with regard to the supply of labour for carrying the work in Sri Raja Rajeshwara Swamy Vari Devasthanam, Vemulawada. In other words, the execution of the work being a labour work, it does not require any previous experience. The decision arrived at by the 2nd respondent is not being arbitrary and there being no allegations of any individual *malafides* except a bold allegations that the word “experience” has been removed to benefit the 4th respondent, cannot be accepted. Now the tender having been opened to any one, it also cannot be presumed that only the 4th respondent would be participating. There is every possibility of others may also participate as there is no stipulation with respect to previous experience. In all, there being no arbitrariness in the action of the respondents, this Court does not find any reason to interfere and accordingly the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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

CHALLA KODANDA RAM,J

Date:08.03.2017,
Gk.

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