

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.23358 OF 2017

Date 03.08.2017

Between:

M.Sudarshan Reddy.

... Petitioner

AND

The State of Telangana rep. by its Principal Secretary,
Health, Medical and Family Welfare Department,
Secretariat Buildings, Hyderabad and others.

.....Respondents



HONOURABLE SRI JUSTICE CHALLA KODANDA RAM**WRIT PETITION No. 23358 of 2016****ORDER:**

Heard the learned counsel for the petitioner, learned Government Pleader for Home (TS) and learned Counsel for the implead petitioner.

Pursuant to the tender notification inviting tenders for supply of diet to inpatients and duty medical officers in respondent No.4 - District Headquarters Hospital, Mahabubnagar, the petitioner became successful bidder and was awarded contract on 01.04.2015. The contract agreement was entered into in terms of G.O.Ms.No.325 dated 01.11.2011. As per the contract agreement dated 01.04.2015, petitioner is entitled to continue as diet contractor until 31.03.2017. Petitioner claims to have approached respondents seeking extension of diet contract by one more year in terms of para 11(c) of G.O.Ms.No.325 r/w clause 2(2) of the contract agreement. Petitioner states that though he provided satisfactory service, and having satisfied the conditions under G.O. for grant of extension, and without disposing of his application dated 04.03.2017, issuance of fresh tender notification dated 06.05.2017 is bad. Pursuant to the fresh tender notification dated 06.05.2017, implead petitioner became successful bidder. However, no orders were issued in his favour. Implead

petitioner, therefore, filed W.P.No.20612 of 2017 and, this Court, by order dated 22.06.2017, disposed of the writ petition directing the respondents to consider the representation, for execution of contract in his favour in terms of tender process, and pass orders within two weeks.

When the instant Writ Petition came up 'for admission' on 14.07.2017, this Court directed that the petitioner shall not be discontinued for a period of two weeks.

Clause 5 of G.O.Ms.No.325 provides to streamline the management system for delivery of nutritious food to inpatients in all Government Hospitals and health centers under the control of Health, Medical and Family Welfare Department. The said G.O. contains the method and manner of calling for tenders and finalizing contract. Clause 11(c) stipulates that the contract period would be for two years and extendable for one year if District Diet Management Committee satisfies with the service of Diet Contractor, and fresh tenders must be called for 4th year. Clause 2.2 of the Contract agreement dated 01.04.2015 provides for extension not exceeding one year on mutually agreed terms and conditions. However, it may be noted that, to grant extension or not is the discretion of the District Diet Managing Committee, and the same by itself does not create any right to seek extension. It may also be

further noted that the writ petitioner had participated in the tender issued by the respondents and was not successful. In the circumstances, there being no vested right, and on account of the fact that the petitioner having participated and not being successful in the tender, he cannot insist that he be allowed to be continued beyond the contract period.

There being no merit, the Writ Petition stands dismissed and the stay granted is vacated.

Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

CHALLA KODANDA RAM,J

Date: 03.08.2017
usd

