

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.6164 of 2018

ORDER:

Heard learned counsel for the petitioners and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondent Nos.1, 2, 8 & 9 and also learned Government Pleaders for Home and Medical & Health respectively for respondent Nos.3 to 7 and before ordering notice to respondent Nos.10 to 14 and perused the prayer in the writ petition with the supporting affidavit and the written instructions received from the learned Standing Counsel for GHMC.

It is the supporting affidavit averment that petitioner Nos.1 to 4 are working as garbage collectors in Motinagar Cooperative Housing Society in an area spread out about 2400 houses daily without any complaint from any corner. The 1st respondent-GHMC issued circular dated 13.01.2016 stating that existing garbage pullers are given first priority in allotting swach auto tippers and basing on the said circular, autos bearing No.TS-11-UA-9520 in favour of the 1st petitioner and TS-08-UD-1167 in favour of the 3rd petitioner and 2 other petitioners allotted and while so, all of a sudden the Deputy Commissioner, Moosapet, Circle 23, GHMC-2nd respondent issued proceedings dated 07.02.2018 in the name of President of 14th respondent society and in favour of respondent Nos.12 & 13 allotting them Swach Auto tipper vehicles Nos.TS-10-M T/R-1151 & TS-07-UB-7520, which is contrary to the circular instructions dated 13.01.2016, though they are not existing garbage pullers. Leave apart the petitioners are already collecting the garbage for past several years under the Swach Auto scheme

from 2016 and there is interference by respondent Nos.2 to 13 in lifting the garbage in the colony in causing inconvenience to the performance of duties by the petitioners, which constrained to file the writ petition.

The written instructions state that there are large number of households and they are collecting garbage in a span of 3 to 4 days causing hardship to the residents and there are complaints to that effect, more particularly, from the gradual increase in, the course of time, the habitation in Motinagar area with about 2700+ houses while denying the contention of the petitioners that they are collecting garbage for last 20 years, but for in saying the vehicles allotted in 2016 to petitioners Nos.1 to 3 and it is also the averment that there are complaints about they are collecting huge amounts contrary to the circular instructions and norms fixed. It is further referred in the written instructions, the letter addressed by the Deputy Commissioner showing allotment and so far as the 1st petitioner-P.Rangaswamy concerned, Driver-cum-owner of Swach Auto tipper under Swach auto scheme to Motinagar plot Nos.1 to 56 with about 600 houses in ward No.117, Moosapet Circle-23 and so far as the 2nd petitioner concerned, driver cum owner of the tipper supra under Swach auto scheme allotment of plot Nos.57 to 110, total about 600 houses, ward No.117 supra and so far as the 3rd petitioner concerned, driver cum owner of the tipper supra under swach auto scheme plot Nos.111 to 162 of about 600 houses in ward No.117 supra. Thus written instructions show there is no any allotment of any area so far as 4th petitioner M.Ramesh concerned.

Having regard to the above and by recording the same, this Writ Petition is disposed of for nothing to keep the matter pending as the very written instructions clearly show petitioner Nos.1 to 3 are defined the area of collection of garbage from the house numbers and the ward number supra and it is made clear that they cannot collect excess than what is prescribed by the Municipal Authorities supra. So far the 4th petitioner concerned, it is left open to make any representation for allotment to consider.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

Date: 08.03.2018
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JUSTICE Dr. B.SIVA SANKARA RAO

