

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8231 of 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue Writ, Order or Direction, or any other appropriate Order one in the nature of a Writ of Mandamus, declaring the action of the Respondents not issuing approval letter within bid rates furnish by the petitioner as per the Tender dated 06-05-2017 inspite of the successful bidder dated 29-05-2017 is illegal, arbitrary and violation of principles of natural justice and also violation of articles 14, 21, 300-A of Constitution of India and consequently direct the Respondents to pay the wages by issuing the approval letter as per the bid dated 29-05-2017 for drivers per hour Rs.78/- and Rs.62/- per hour for cleaners and pass such other order or orders this Hon'ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri M.A.K.Mukheed, learned counsel appearing for the petitioner and Sri N.Rajeshwar Rao, learned Assistant Solicitor General appearing for the respondents.

3. Learned counsel for the petitioner contended that the petitioner is into the business of providing man power to the respondents and was found to be the lowest bidder in the tender process by quoting an amount of Rs.78/- per hour for driver and Rs.62/- per hour for cleaner. Though the respondents have awarded work to the petitioner, they are not paying the amounts in terms of the agreement entered with the petitioner.

4. The learned counsel for the petitioner further contended that the petitioner has submitted representations to the respondents on 27.04.2018, 03.07.2018, 26.07.2018, 06.10.2018, 14.11.2018 & 05.04.2019, but so far, the respondents have not passed any orders on the said representations. He further contended that appropriate orders be passed in this writ petition directing the respondents to dispose of the representations made by the petitioner within reasonable period of time.

5. Learned Assistant Solicitor General appearing for the respondents has contended that since the petitioner has been paying the statutory contributions in respect of the employees engaged by the petitioner, the respondents have been insisting for proof of paying the statutory contributions and the petitioner is not coming forward for furnishing the said information. He had further contended that any how since the representations submitted by the petitioner are pending with the respondents, the respondents shall pass appropriate orders on the representations of the petitioner, in accordance with law.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation staking his claim for the wages in terms of the tender notification within a period of two (02) weeks from the date of receipt of a copy of this order and upon such

representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of eight (08) weeks thereafter.

7. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 10th February, 2020

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