APHC010248232020

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

MONDAY, THE 26th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 16318/2020

Between:

1. SIRISHA HARIJANA PARISUDHYA SANGHAM, SIRISHA HARIJANA PARISUDHYA SANGHAM, REGISTER NO. 198/2009, REPRESENTED BY ITS MANAGER, CH. PEDA BABU, S/O SUBBA RAO, AGED ABOUT 41 YEARS, OFFICE AT D.NO.26-17-73/A3, KANKARAGUNTA, 4TH LINE, GUNTUR, GUNTUR DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, GENERAL ADMINISTRATION(SU.I) DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR DISTRICT..
2. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, MUNICIPAL ADMINISTRATION AND URBAN DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDINGS, AMARAVATHI, GUNTUR DISTRICT.
3. THE COMMISSIONER AND DIRECTOR OF MUNICIPAL ADMINISTRATION DEPARTMENT, ANDHRA PRADESH, PADMINI KRISHNA ENCLAVE, ANNAPURA NAGAR, 5TH LANE, 4/7 INNER RING ROAD, GORANTLA-522034, GUNTUR, ANDHRA PRADESH.
4. THE GUNTUR MUNICIPAL CORPORATION, REPRESENTED BY ITS

COMMISSIONER, GUNTUR, GUNTUR DISTRICT.

5. A P CORPORATION FOR OUT SOURCED SERVICES, REPRESENTED BY ITS EXECUTIVE DIRECTOR, 2ND FLOOR, APSRTC ADMINISTRATIVE BLOCK, PANDIT NEHRU BUS STATION, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH.

6. THE DISTRICT COLLECTORCUMNODAL OFFICER, GUNTUR, GUNTUR DISTRICT.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus, declaring the G.O.Ms.No. 126, General Administration (SU.I) Department, dated 18.10.2019 and consequential G.O.Ms.No. 136, General Administration (SU.I) Department, dated 04.11.2019 and the Circular Memo No. GAD01-SUOMISC/31/2019-SU-I dated 20.11.2019 and Circular Memo No. SUOMISC/31/2019-SU-I dt 21.07.2020 issued thereunder by the 1st respondent and in implementing the same in all Government Departments including 4th respondent as illegal, arbitrary, discriminatory, ultra vires, and void being in derogation of Article 14, 16, 19, 21, 298 and 299 of the Constitution of India and in contravention of mandatory provisions of The Contract Labour (Regulation and Abolition) Act, Payment of Wages Act, G.O.Ms No. 63, Backward Classes Welfare (F) Department dated 19.08.2019 (Act 25 of 2019) and Rules in G.O.Ms No. 74 Backward Classes Welfare (F) Department dated 16.09.2019 and G.O.Ms No. 64, Backward Classes Welfare (F) Department dated 19.08.2019 (Act 26 of 2019) and rules in G.O.Ms No. 75 Backward Classes Welfare (F) Department dated 17.09.2019 , Andhra Pradesh Municipal Corporations Act, 1994, Hyderabad Municipal Corporation Act, 1955 and Hyderabad Municipal Corporation Tender Rules, 1970, so also, contrary to G.O.'s, and circulars issued by the 2nd respondent from time to time and consequently struck down the same and pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the 4th ,respondent to pay the premium and wages through petitioner society for the Month of August, 2020 and pass

IA NO: 2 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to suspend the G.O.Ms.No. 126, General Administration (SU.I) Department, dated 18.10.2019 and consequential G.O.Ms No. 136 GA(SU-I) Department dated 4.11.2019 and the Circular Memo No. GAD01-SUOMISC/31/2019-SU-I dated 20.11.2019 and Circular Memo No. SUOMISC/31/2019-SU-I dt 21.07.2020 issued there under by 1st respondent, and pass

IA NO: 3 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to direct the registry to post the writ petition in W.P.No. 16318 of 2020 in the cause list for admission on urgent basis and pass

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to receive the counter copy on record by allowing the leave petition in the above writ petition and may pass

Counsel for the Petitioner:

1. T V SRI DEVI

Counsel for the Respondent(S):

1. VANKAYALAPATI N PRAVEEN SC For GNT,ONG,NLR Municipal Corporations

2. GP FOR REVENUE

3. GP FOR GENERAL ADMINISTRATION

4. GP FOR MUNCIPAL ADMN URBAN DEV

The Court made the following:

ORDER:

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue a Writ, Order or direction more particularly one in the nature of Writ of mandamus, declaring the G.O.Ms.No. 126, General Administration (SU.I) Department, dated 18.10.2019 and consequential G.O.Ms.No. 136, General Administration (SU.I) Department, dated 04.11.2019 and the Circular Memo No. GAD01-SUOMISC/31/2019-SU-I dated 20.11.2019 and Circular Memo No. SUOMISC/31/2019-SU-I dt 21.07.2020 issued thereunder by the 1st respondent and in implementing the same in all Government Departments including 4th respondent as illegal, arbitrary, discriminatory, ultra vires, and void being in derogation of Article 14, 16, 19, 21, 298 and 299 of the Constitution of India and in contravention of mandatory provisions of The Contract Labour (Regulation and Abolition) Act, Payment of Wages Act, G.O.Ms No. 63, Backward Classes Welfare (F) Department dated 19.08.2019 (Act 25 of 2019) and Rules in G.O.Ms No. 74 Backward Classes Welfare (F) Department dated 16.09.2019 and G.O.Ms No. 64, Backward Classes Welfare (F) Department dated 19.08.2019 (Act 26 of 2019) and rules in G.O.Ms No. 75 Backward Classes Welfare (F) Department dated 17.09.2019 , Andhra Pradesh Municipal Corporations Act, 1994, Hyderabad Municipal Corporation Act, 1955 and Hyderabad Municipal Corporation Tender Rules, 1970, so also, contrary to G.O.'s, and circulars issued by the 2nd respondent

from time to time and consequently struck down the same and pass…"

2. The petitioner-society challenges G.O.Ms.No.126, General Administration (SU.I) Department, dated 18.10.2019, G.O.Ms.No.136, General Administration (SU.I) department, dated 04.11.2019, the Circular Memo bearing No.GAD01-SU0MISC/31/2019-SU-I, dated 20.11.2019 and the Circular Memo bearing No.SU0MISC/31/2019-SU-I, dated 21.07.2020 relating to the establishment and functioning of the Andhra Pradesh Corporation for Outsourced Services (APCOS).

3. The main grievance of the petitioner is that, under the earlier Government Orders and the Municipal Corporation of Hyderabad Tender Rules, 1970, Labour Contract Societies, particularly those comprising members of Scheduled Castes, Scheduled Tribes and other weaker sections, were given an opportunity to undertake sanitation and allied works through tenders and that, consequent to establishment of APCOS, such societies are being deprived of such opportunity.

4. Learned counsel for the petitioner has placed on record a copy of the order passed by this Court in W.P.(PIL) No.223 of 2020, dated 21.10.2020, and requested this Court to pass similar orders in the present Writ Petition also.

5. The very issue relating to the establishment of APCOS and the grievance of societies engaged in sanitation works came up for consideration before a Hon'ble Division Bench of this Court in W.P.(PIL) No.223 of 2020. In the said case also, the grievance was that, under the earlier Government Orders and Circulars, societies consisting of persons belonging to Scheduled Castes, Scheduled Tribes and below-poverty-line sections were given an opportunity to undertake sanitation works in Municipalities and Municipal Corporations through tenders and that, by virtue of establishment of APCOS, such societies were deprived of such opportunity.

6. In the said circumstances, the Hon’ble Division Bench of this Court, vide order dated 21.10.2020, without going into the merits of the case, directed the petitioner therein to submit a representation along with all relevant material to the Principal Secretary of the concerned Department and further, the competent authority was directed to examine the justification of the policy of the State Government and the grievance of the petitioner, after affording due opportunity, and pass appropriate and reasoned orders within a period of three months.

7. Heard learned counsel for the petitioner, learned Government Pleader for General Administration Department, learned Government Pleader

for Municipal Administration and Urban Development and learned Standing Counsel appearing for the respondent Municipal Corporation.

8. Since the grievance raised in the present Writ Petition is substantially similar and arises out of the very same policy concerning the establishment and functioning of APCOS, the present Writ Petition is also disposed of in terms of the order dated 21.10.2020, passed by this Court in W.P.(PIL) No.223 of 2020.

9. Accordingly, the petitioner is directed to submit a representation, along with all the relevant material, to the Principal Secretary of the concerned Department, within a period of four (4) weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the Principal Secretary shall look into the matter regarding the justification of the policy of the State Government and the grievance of the petitioner and shall pass appropriate orders, after affording due opportunity to the petitioner, within a period of three (3) months thereafter. Such orders must consist of reasons ventilating the grievance of the petitioner.

10. Accordingly, with the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

JUSTICE V.SUJATHA

Date:26.10.2026
Gss