

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

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WRIT PETITION NO : 19488 of 2004

Between:

- 1 Harijan Municipal Sanitary Works, Labour Contract Co.op.Society,
Mattewada, Warangal represented by its President Sri Golconda Sambaiah,
s/o Ramaiah, aged about 40 yrs.,Occ:Labour,
r/o 15-4-45, Mattewada, Warangal.
- 2 Municipal Sanitary Works, Labour Contract Co.op. Society, Hanmakonda,
Warangal represented by its President, Marapaka Ashok, s/o Yakaiah,
aged 30 yrs., Occ:Labour, r/o 6-1-100, Kancharkunta,
Hanamkonda, Warangal.
- 3 Dalitha Municipal Sanitary Labour Contract Co.op. Society, Urs, Warangal
represented by its President Kadakondla Sadanandam, s/o Sammaiah,
aged 28 yrs., Occ:Labour, r/o 15-7-136/117, Rammanapet, Warangal.
- 4 Dalitha Labour Contract Co.op.Society (C&S), Papaiahpet, Ramannapet,
Warangal represented by its President Sri Moluguleti Ravinder,
s/o Mohan, aged 26 yrs., r/o H.No.15-6-234, Papaiahpet Chaman, Warangal.

..... PETITIONERS

AND

- 1 The Commissioner, Warangal Municipal Corporation,
S.V.N.Road,Warangal.
- 2 The Government of Andhra Pradesh, represented by its Secretary,
Municipal Administration & Urban Development (G2), Department,
Secretariat, Hyderabad.

3 The Divisional Co-operative Officer, Hanamakonda, Warangal.

..... RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issuing a writ of mandamus or any other suitable writ or order declaring the action of respondent No.1 in issuing tender notification No.F1/3129/04-05 dt.26-09-2004, as arbitrary and illegal being contrary to the G.O.Ms.No.30, dt.18-01-2000 and further making selection of applicants contrary to the eligibility conditions of impugned tender notification No.F1/3129/04-05 dt.26-09-2004 as arbitrary, illegal affecting the right to life of members of petitioner society and consequently cancel all further actions being undertaken by respondent No.1 in pursuance of tender notification No.F1/3129/04-05 dt.26-09-2004, with a suitable direction to respondent No.1 to abide by the Government Order No.30 dt.18-01-2000.

Counsel for the Petitioners: MR.BANKATLAL MANDHANI

Counsel for the Respondent No.1: Mr.K. Venu Gopal Reddy

S.C. for W.MC.

**Counsel for the Respondent No.2: G.P. FOR MUNICIPAL
ADMN. & URBAN DEVELOPMENT**

The Court at the stage of admission made the following

ORDER:

Petitioners, who claim that they are co-operative societies formed by the retired public health workers of Warangal Municipal Corporation belonging to Scheduled Caste and their relatives, filed this writ petition questioning the notification No.F1/3129/04-05, dated 26-09-2004 issued by the Commissioner, Warangal Municipal Corporation (1st respondent) on the ground that it is not in consonance with G.O.Ms.No.30 MA, dated 18th January, 2000.

(2) The contention of the learned counsel for petitioners is that as per G.O.Ms.No.30 MA, dated 18-01-2000, a portion of the sanitation work has to be entrusted to the societies formed by the sanitary workers union without the necessity of their participating in the tenders and since in the impugned notification it is stated that out of 25 units, 6 units are reserved for S.C. societies, 7 units are reserved for DWACRA groups and the remaining 12 groups would be selected by tender, it is clear that no part of the work is reserved for allotment to the societies formed by the sanitary workers union of the Municipal Corporation of Warangal and so, the impugned notification is not in accordance with the aforesaid G.O.Ms.No.30 MA, dated 18-01-2000.

(3) The contention of the learned Standing Counsel for the first respondent is that since works are going to be allotted by lotteries in case there are more than 10 tenders, petitioners cannot be said to be aggrieved.

(4) The question is not as to how the works are going to be allotted to the tenderers, but is whether first respondent has reserved any works for the societies formed by sanitary workers union and for nominating them in pursuance of the G.O.Ms.No.30 MA, dated 18-01-2000.

(5) Since the impugned notification does not state that out of 25 units any unit is reserved for the societies formed by the sanitary workers union, the same is not in

accordance with G.O.Ms.No.30 MA, dated 18-01-2000, Therefore, the writ petition is disposed of with a direction to the first respondent to allot work from out of 12 units reserved for S.C. societies and Dwacra groups to the societies formed by the sanitary workers union as contemplated by G.O.Ms.No.30 MA, dated 18-01-2000. No costs.

C.Y. SOMAYAJULU, J

Date: 29th April, 2005

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ASSISTANT REGISTRAR

To

- 1 The Commissioner, Warangal Municipal Corporation,
S.V.N.Road, Warangal.
- 2 The Secretary, The Government of Andhra Pradesh,
Municipal Administration & Urban Development (G2), Department,
Secretariat, Hyderabad.
- 3 The Divisional Co-operative Officer, Hanamakonda, Warangal.
- 4 Two CCs to G.P. for Municipal Administration & Urban Development,
High Court Buildings, Hyderabad (OUT).
- 5 Two CD copies