

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.Nos.16427, 11385 and 15274 of 2013

COMMON ORDER:

In all these cases, it is the specific averment that the sanitation work in Municipal Urban Areas shall be regulated as per the policy decision of the State Government contained in their G.O.Ms.30, Municipal Administration and Urban Development (S2) Department, dated 18-01-2000.

The policy decision has been taken by the State Government for the purpose of securing improvement of efficiency in sanitation and hence, it was decided to entrust the sanitation work to the Societies formed with the retired Public Health workers and their dependents or Badili workers. The modalities as to how it should be worked out have been detailed in G.O.Ms.No.581, Municipal Administration and Urban Development (G2), dated 06-11-2006. Subsequent thereto, orders were issued in G.O.Ms.No.30, dated 18-01-2000 directing all the Municipalities and Municipal Corporations of the State to entrust the operation of sanitation work to the Societies formed by the sanitary workers' unions without the necessity of their participating in the tendering process. However, the modalities set out through G.O.Ms.No.581, dated 06-11-2006 shall continue to hold.

This set of cases arises from Rajahmundry Municipal Corporation, Ramachandrapuram and Mandapeta Municipality areas of East Godavari District.

All the learned counsel appearing would submit that there is no change in the policy of the State, but however, the respective Municipal Urban Bodies are departing from the principles and are inviting tenders for the entire work. Smt. Swarna Seshu, learned Standing Counsel for Rajahmundry Municipal Corporation, Sri B.D.

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pointing out that while calling for the tenders, the Municipal Urban Bodies are required to adopt and follow the existing guidelines and tender rules without waiting for the revised tender rules to be issued by the Government. It, therefore, follows that the procedure laid down by the State Government, in their G.O.Ms.No.581, dated 06-11-2006 read with G.O.Ms.No.30, dated 18-01-2000, has got to be followed.

In all such cases, certain operations of the sanitation work may be awarded to the Societies formed by the sanitary workers' unions by reserving areas / wards in the Urban Areas exclusively to them and the rest of the sanitation work may be entrusted to the outsourcing agency. However, it shall be a necessity that the tenderer shall affect payments to the sanitary workers directly by depositing the money into their respective bank accounts to avoid sanitation work being impaired, in any manner, on the ground that the contractor has not been making faithful payments to them.

With this, the three Writ Petitions stand disposed of at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

**NOOTY RAMAMOHANA
RAO, J.**

24.07.2013.
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