



दूरभाष:- 286709
286710

राज्य नगरीय विकास अभिकरण उ०प्र०

नव चेतना केन्द्र, 10, अशोक मार्ग, लखनऊ-226001

पत्रांक 948/69/नौ/एनपीएस(अनुगम)ix-III

दिनांक 18/6/2014.

सेवा में,

समस्त जिलाधिकारी/अध्यक्ष,
जिला नगरीय विकास अभिकरण,
उत्तर प्रदेश।

विषय:-सार्वजनिक शौचालय बनाने एवं उनके संरक्षण के संबंध में।

महोदय/महोदया

उपर्युक्त विषयक शासन के पत्रांक 823/69-1-2014 दिनांक 16.5.2014 के साथ संलग्न श्री डी०पी० पुजारी एडवोकेट चैम्बर नं०-1 पुरानी बिल्डिंग राजस्थान उच्च न्यायालय, जयपुर का नोटिस/प्रत्यावेदन दिनांक 21.3.2014 का संदर्भ ग्रहण करने का कष्ट करें (छायाप्रति संलग्न)।

2 इस संबंध में आपसे अनुरोध है कि प्रश्नगत नोटिस में मा० उच्च न्यायालय राजस्थान के आदेश दिनांक 04.3.2014 के क्रम में आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक यथोपरि।

भवदीय,
17/6/2014
(श्रीप्रकाश सिंह)
निदेशक

पत्रांक एवं दिनांक तदैव।

प्रतिलिपि:-निम्नलिखित को सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित।

1-अनुसचिव, नगरीय रोजगार एवं गरीबी उन्मूलन कार्यक्रम विभाग, उ०प्र० शासन।

2-निदेशक, नगरीय निकाय निदेशालय उ०प्र०।

3-श्री योगेश आदित्य, सहा०परि०अधिकारी, सूडा को ईमेल के माध्यम से प्रेषण हेतु।

(श्रीप्रकाश सिंह)
निदेशक

प्रेषक,

कमल किशोर गुप्त,
अनु सचिव,
उ०प्र० शासन।

3039/cl5
19/5/14

सेवा में,

उप सचिव,
नगर विकास अनुभाग-7,
उ०प्र०, शासन।

नगरीय रोजगार एवं गरीबी
उन्मूलन कार्यक्रम अनुभाग।

लखनऊ : दिनांक 16 मई, 2014

विषय- सार्वजनिक शौचालय बनाने एवं उसके संरक्षण के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक श्री डी०पी० पुजारी, एडवोकेट चैम्बर नं०-1, पुरानी बिल्डिंग राजस्थान उच्च न्यायालय, जयपुर का नोटिस/प्रत्यावेदन दिनांक 21.03.2014 (छाया प्रति संलग्न) का कृपया सन्दर्भ ग्रहण करने का कष्ट करें।

2. इस सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि कृपया प्रश्नगत नोटिस में मा० उच्च न्यायालय राजस्थान के आदेश दिनांक 04.03.2014 के क्रम में आवश्यक कार्यवाही करने का कष्ट करें।

संलग्नक-यथोक्त।

भवदीय,

(कमल किशोर गुप्त)
अनु सचिव।

संख्या- /69-1-14तददिनांक

प्रतिलिपि- निदेशक, राज्य नगरीय विकास अभिकरण, उ०प्र० लखनऊ को श्री डी०पी० पुजारी, एडवोकेट चैम्बर नं०-1, पुरानी बिल्डिंग राजस्थान उच्च न्यायालय, जयपुर का नोटिस/प्रत्यावेदन दिनांक 21.03.2014 (छाया प्रति संलग्न) में मा० उच्च न्यायालय राजस्थान के दिनांक 04.03.2014 के क्रम में आवश्यक कार्यवाही हेतु प्रेषित।

संलग्नक-यथोक्त।

44/JD/s
PD/27/14
16/5/14

JD
16/5/14

आज्ञा से,
(कमल किशोर गुप्त)
अनु सचिव।
16/5/14

823/69-1-2014

2-1

D.P. Pujari

Advocate
Chamber No. 1, Old Building
Rajasthan High Court, Jaipur
(M) 9314878270

Office:

578, Ranisati Nagar,
Vishwakarma Marg,
Ajmer Road, Jaipur
(L) 0141-2812951

Date: 21.03.2014

Counsel for :

World Sanitation and Environment, 81/117, Patel Marg,
Mansaorvar, Jaipur through its Chairman.

To सं. 575 / सन ०१००००० / 2014

1. State of Rajasthan through Chief Secretary, Secretariat, Jaipur
2. Principal Secretary to the Government, Department of Urban Development and Local Self Government, Rajasthan Secretariat, Jaipur.
3. Director, Local Self Bodies, Directorate, 22-Godown, Jaipur.
4. Municipal Corporation, Jaipur through its Chief Executive Officer.
5. Municipal Corporation, Jodhpur through its Chief Executive Officer.
6. Municipal Corporation, Kota through its Chief Executive Officer.
7. Municipal Corporation, Udaipur through its Chief Executive Officer.
8. Municipal Corporation, Ajmer through its Chief Executive Officer.
9. Jaipur Development Authority, Jaipur through Commissioner.

**LEGAL NOTICE/CUM INFORMATION/CUM
REPRESENTATION**

8

Sir,

Under instructions and on behalf of above named client,
I serve upon you this Notice as under:-

1. That vide order dated 31.05.2013 my client was recommended or suggestion to give him Public Work for construction and maintenance of Public Toilet. The direction was given to Executive Officers of Municipal Corporation Kota, Jodhpur, Jaipur and others to allot Pilot Project as sampling basis.
2. That one Akhil Bhartiya Paryawaran Ewam Gramin Vikas Sansthan through its Treasurer, Shri Manish Kumar Son of Dr.K.D. Tiwari, resident of No.11, Plot NO. 32-57, Block C, Community Centre, Janakpuri, New Delhi-110058 challenged order No. F-55 ()CE/DLB/2013/Samu.Shauch/World by way of S.B. Civil Writ Petition No. 11279/2013 on the ground the aforesaid work be granted or allotted on the basis of tender process.
2. That has been decided by order dated 04.03.2014 by this Hon'ble Court and operative portion as under.:

"In view of above, this writ petition is disposed of with the direction to the respondents not to give effect to the order dated 31.05.2013 (Annex.3) and of the same time, if they want to construct Public Utility Services (Toilets), then it should be the process of tender so as to take competitive rates from and amongst the eligible firms. For the aforesaid purpose, if any order/contract has already been given prior to decision aforesaid, it would not be effected by this order. The judgment of this court will apply universally and without discrimination."
3. That by the above said judgment it was decided it should be by the process of tender so as to competitive

rates from and amongst the eligible firms also include the Sulabh International Social Service Organization along with other Organizations working in the same field or site and kindly take this notice and in future compliance of this judgment universally, strictly and without discrimination.

You are therefore called upon you to ensure the effective compliance of order dated 04.03.2014 passed by this Hon'ble High Court in S.B. Civil Writ Petition No. 11279/2013 in the manner stated above and oblige and for your kind information a copy of the said order is enclosed herewith.

Please be noted and well advised to Executive Officer all the municipal corporation and Development Authority of Rajasthan.

(D.P. Pujari)

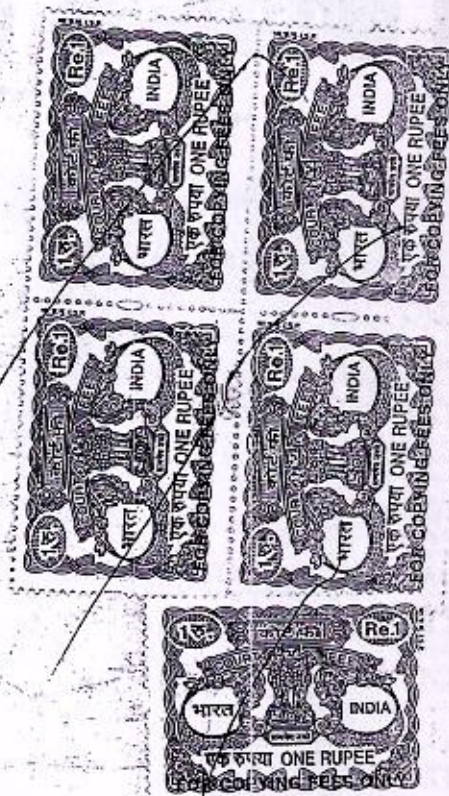
Advocate

Copy to :

1. ✓ Principal Secretary of other States of India in the Department of Urban Dept. Govt of U.P.

Luc Brown





भारतीय डाक विभाग
 डाक टिकट
 20470
 20/11/14
 डाक टिकट
 20470
 20/11/14



IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN,

JAIPUR BENCH, JAIPUR.

2/17/13 11279/2013
S.B.CIVIL WRIT PETITION NO. _____

Akhil Bharatiya Paryawaran Ewam Gramin Vikas
Sansthan through its Treasurer, Sh. Manish Kumar,
son of Dr. K.D Tiwari, resident of No.11, Plot No.
32-57, Block C, Community Centre, Janakpuri, New
Delhi- 110058

...Petitioner

Versus

1. State of Rajasthan through its Secretary to the
Government, Department of Local Self
Government, Secretariat, Jaipur.

2. Municipal Corporation, Jaipur through its Chief
Executive Officer.

3. Municipal Corporation, Jodhpur through its
Chief Executive Officer.

4. Municipal Corporation, Kota through its Chief
Executive Officer.

5. World Sanitation and Environment, 81/117, Patel
Marg, Mansarovar, Jaipur through its Chairman.

...Respondents

S.B.CIVIL WRIT PETITION UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA.

IN THE MATTER OF
THE ARTICLE 14 AND 19 OF THE CONSTITUTION OF
INDIA.

AND
IN THE MATTER OF
THE RAJASTHAN MUNICIPALITIES ACT, 2009.

AND
IN THE MATTER OF
THE ORDER NO. F-55 () CE/DLB/2013/
SAMU.SHAUCH/WORLD SANITATION/2169-91 DATED
31ST MAY 2013



सही - प्रतिलिपि
नगरपालिका अधिकारी कार्यालय,
राजस्थान नगरपालिका, राजस्थान

S.B. CIVIL WRIT PETITION NO.11279/2013
Akhil Bharatiya Paryawaran Ewam Gramin Vikas Sansthan, New Delhi
Vs.
State of Rajasthan & Ors.

1

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

S.B. CIVIL WRIT PETITION NO.11279/2013
Akhil Bharatiya Paryawaran Ewam Gramin Vikas Sansthan, New
Delhi
Vs.
State of Rajasthan & Ors.

Date of Order : 04th March, 2014

HON'BLE MR. JUSTICE M.N.BHANDARI

Mr.R.P.Singh, Sr. Adv. with Mr. Arindam Mukharjee]
Ms.Gargi Tuli]
Mr.Madho P. Swami], for the petitioner/s.

Mr.Rajan Prajapati for Mr.D.V.Tholia, AAG.
Mr.Jinendra Jain]
Mr.D.P.Pujari], for the respondent/s.

By the Court:

By this writ petition, a challenge is made to the order
dated 31st May, 2013 passed by the State Government. A decision
was taken to construct one Public Utility Service as a pilot project.
It was pursuant to suggestion given by the World Sanitation and
Environment Society. The aforesaid order was to be applied at the
first instance where there exists problem of manual scavenging.
The rate for the aforesaid was to be fixed on the rates given to
Sulabh International Society and finally decided by the Director,
Local Self Government.



सद्वृत्ति - प्रतिनिधि
सहायक न्यायाधीश, न्यायिक
शाखा, उच्च न्यायालय, जयपुर

AD

S.B. CIVIL WRIT PETITION NO. 11279/2013
Akhil Bharatiya Paryawaran Ewam Gromin Vikas Sansthan, New Delhi
Vs.
State of Rajasthan & Ors.

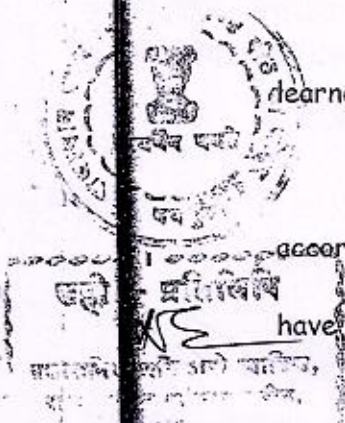
2

Learned counsel submits that award of work is without tender so as to fetch competitive rates from the eligible parties, who may be interested to carry out the work as mentioned in the order at Annex.3. The aforesaid order may be quashed with the direction to the respondents to award contract by open tender/public auction to those, who give competitive rate and are having requisite experience and qualification.

Learned counsel for the respondent/s submits that impugned order at Annex.3 has not been given effect to. In fact, only one Public Utility Services (Public Toilet) was to be constructed as a pilot project and was not to apply for other Public Utility Services to be constructed. They have no objection if direction is given that onwards the work or contract for construction of Public Utility Services (Toilets) would be assigned by tender or public auction but then it should apply universally and without discrimination.

I have considered the rival submissions made by learned counsel for the parties and scanned the matter carefully.


A challenge is made to the order at Annex.3, which according to the respondents has not been given effect to. They have agreed to award work of construction of Public Utility



4/12

Services (Toilets) by way of tender after setting out the required qualification. The grievance of the petitioner/s gets satisfied with the aforesaid.

In view of above, this writ petition is disposed of with the direction to the respondents not to give effect to the order dated 31st May, 2013 (Annex.3) and at the same time, if they want to construct Public Utility Services (Toilets), then it should be by the process of tender so as to take competitive rates from and amongst the eligible firms. For the aforesaid purpose, if any order/contract has already been given prior to decision aforesaid, it would not be effected by this order. The judgment of this Court will apply universally and without discrimination.


(M.N. BHANDARI), J.

S/No.124
Preety, Jr.P.A.

