

ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION



No.C5/243(318)/2002-OPD-C

Corporate Office
Operations (Commercial) Department
Musheerabad, Hyderabad - 500 020.

Circular No.14/2004-OPD-C, Dt. 21-2-2004

Sub : LICENSING - Allotment of stalls at the Bus Stations in Scheduled Areas exclusively to scheduled Tribe persons - Instructions - Reg.

- Ref : 1. Cir.No.13/2003-OPD(C), dt. 13.02.2003.
2. WP.No.6897/2001 and 3353/2002 filed in High Court of A.P. by certain persons of Khammam District.
3. WA.No.1957/2003 and 1887/2003 filed by APSRTC against the orders in WP.No.3353/2002, dt.28.7.2003.
4. Lr.No.RC No.132/04/TRI/Publication, dt.30.1.04 of Director, Tribal Welfare Department, Govt. of A.P.

Instructions were issued vide Cir.No.13/2003-OPD(C), dt. 13.02.2003 (a) to reserve One stall at the Bus Stations having five pucca stalls and two stalls at the Bus Stations having 10 or more Pucca stalls exclusively to the members of Scheduled tribe Community in Scheduled Areas and (b) to reserve one stall at the Bus Stations having Five Pucca stalls and two stalls at the Bus Stations having ten or more Pucca stalls to the members of Scheduled caste/scheduled tribe and poorer economically backward classes in Non-scheduled Areas.

Writ petitions WP.No.6897/2001 and 3352/2002 were filed before Hon'ble High Court of A.P. to direct APSRTC, to allot the Stalls/Shops in Scheduled areas exclusively to the members of scheduled tribes.

The Hon'ble High Court of A.P. in its Judgment dt. 28.07.2003 has allowed WP.Nos 6897/2001 and 3353/2002 and ordered that the Stalls/Shops in Scheduled Areas be allotted to Scheduled tribes only.

Corporation has filed Writ Appeal No.1957/2003 and Writ Appeal No.1887/2003 before High Court of A.P. against orders in WP No.6897/2001 and 3353/2002. The Hon'ble High Court of A.P. while admitting the Writ appeals passed the following interim order.

"We do not see any ground to suspend the operation of the impugned judgment passed by the learned Judge."

"It is however, made clear that the licences which have been granted for a limited period before the date of pronouncement of the Judgment by the learned

Single Judge would not be affected or terminated but the appellant shall not renew those licences and fresh licences also shall not be issued".

In compliance with the interim orders passed by High Court of A.P., the following instructions are issued for strict compliance.

1. The Canteens, Stalls/Shops, Office accommodation, Cycle/scooter Stands located in Scheduled Areas shall be allotted exclusively to the members of Scheduled tribes only, by calling tenders, as is now being done.
2. In the Tender notification, it shall be specifically mentioned against the Canteen, Stalls/Shops located in Scheduled area that the particular Canteen, Stall/Shop is reserved for Scheduled Tribe persons only. If any person, other than Scheduled tribe community submits the tender, for any Canteen, Stall/Shop located in scheduled areas reserved for Scheduled tribe community, such tender shall be rejected treating it as invalid tender.
3. The Members of Scheduled tribe community participating in tenders for allotment of a Canteen, Stall/Shop located in scheduled area, shall enclose an integrated Caste/community/ Nativity certificate which shall have been issued not earlier than three years, as on the date of publication of tender notice, by Mandal Revenue Officer or any other Officer/Authority, authorised by Govt. of Andhra Pradesh, to the tender form alongwith a Demand Draft towards EMD.
4. The Integrated Caste/community/Nativity certificate submitted by the successful tenderer shall be got verified through Vigilance & Security Officer of the Zone concerned. If Caste/Community/Nativity certificate submitted by any tenderer is found non-genuine at a later date, the person who submitted such document is liable for Criminal prosecution, besides termination of licence and forfeiture of Security deposit.
5. The licences already granted to other persons, other than Scheduled tribe community for running Canteens, Stalls/Shops located in scheduled areas shall be allowed to continue till the completion of the licence period. However, such licences shall not be renewed or extended further.
6. A list of places falling under Scheduled Areas in Andhra Pradesh, furnished by the Director, Tribal Cultural Research & Training Institute, Department of Tribal Welfare, Govt. of A.P. is enclosed herewith. Any further clarification with regard to "Scheduled area" shall be obtained from the Dist. Collector of the concerned District.
7. In case of Canteens, Stalls / Shops of C' Class Bus Stations in Scheduled areas, if there is no response to the tenders called twice by publishing tender notification in daily News papers and also to the local tenders called atleast once, such Canteens, Stalls/Shops etc., located in C' Class Bus Stations of Scheduled area shall be allotted on nomination basis by fixing reasonable licence fee by the

Tender Committee to Scheduled Tribes only keeping in view of the Commercial Potentiality of the Bus station, with approval of Executive Director of Zone concerned, as communicated vide circular No. 99/2003 - OPD(C), dated : 20-12-2003.

8. The allotment of Canteens, Stalls/Shops located in Scheduled Areas shall be through tenders and for finalisation of allotment, fixation of EMD, constitution of Tender Committee, collection of Security deposit, fixation of licence period, periodical enhancement of licence fee etc. the instructions communicated Vide Cir.No.17/2003- OPD(C), dt. 20.02.2003 shall be followed.

9. The above instructions are subject to the result of Writ Appeals 1957/2003 and 1887/2003 pending in Hon'ble High Court of A.P. While issuing tender notification for allotment of Canteens, Stalls/Shops, Cycle/Scooter stands etc., exclusively to the scheduled tribe persons located in scheduled areas, a specific condition shall be incorporated in the tender notification as given hereunder.

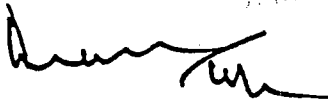
The allotment is subject to the result of Writ Appeals 1957/2003 and 1887/2003 pending in Hon'ble High Court of A.P. If these Writ appeals are disposed off in favour of the Corporation, the allotment is liable for termination.

The same clause shall also be incorporated in the Deed of licence to be entered into with the successful tenderers of Canteens, Stalls/Shops, Cycle/Scooter stands located in scheduled areas.

10. The instructions with regard to reservation of stalls to the members of SC/ST/PEBC at the Bus Stations located at Non Scheduled Areas as communicated Vide Cir.No.13/2003-OPD(C), dt. 13.02.2003 shall hold good.

Please acknowledge.

Encl : Annexure


VICE CHAIRMAN &
MANAGING DIRECTOR

To
All Regional Managers,
A.P.S.R.T.C.

- Copy to :
1. All Executive Directors of Zones, MGBS, Hyd - 12 for information.
 2. All Divisional Managers for information.
 3. Senior Law Officer, Head Office for information.
 4. All Depot Managers for information.
 5. TO/MSRD for inclusion in the monthly Index of Circulars.

Annexure

**GOVERNMENT OF ANDHRAPRADESH
TRIBAL WELFARE DEPARTMENT**

From	To
Sri O.S.V.D.Prasad, M.Sc., Director, I/c. TCR & TI, T.S.Bhavan, Masab Tank. Hyderabad-28.	The Vice-Chairman & Managing Director, APSRTC, Hyderabad.

Rc.No.132/04/TRI/Publication, dt.30.01.2004.

Sir,

Sub : TWD - TCR&IT - Publication - Hyderabad - APSRTC - Scheduled Areas Allotment Stalls/Shops at Bus Stands to tribals - Request - Regarding.

Ref : Your Lr.No.C5/243(318)/2003-OPD(C), dt.24.01.2004.

With reference to your letter cited the following villages are in the scheduled areas of ITDA districts of Andhra Pradesh.

Sl.No.	District	Village
1.	Visakhapatnam	1. Paderu 2. Pedabayalu 3. Chintapalli 4. Ananthagiri 5. G. Madugula 6. Araku
2.	Vizianagaram	1.Gumma Laxmipuram
3.	Srikakulam	NIL
4.	East Godavari	1. Maredumilli 2. Rampachodavaram 3. Addateegala
5.	West Godavari	1. Reddy Ganapavaram (Buttayagudem Mandal)
6.	Adilabad	1. Mandamarri

2. Ichoda
3. Utnoor
4. Indervelly
5. Gudihatnoor
6. Narnoor
7. Khammam
 1. Bhadrachalam
 2. Cherla
 3. Venkatapuram
 4. Manuguru
 5. Aswapuram
 6. Chandragonda
 7. Pinapaka
 8. Kunavaram
 9. Dummugudem
(Byyaram is a scheduled Village
but not Edula Bayyaram)
8. Warangal
 1. Tadyai
 2. Gudur
9. Mahabubnagar
 1. Amrabad
 2. Balamoor

Yours faithfully,

Sd/-
DIRECTOR, I/c.

// ATTESTED //



CHIEF COMMERCIAL MANAGER