

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FOURTH DAY OF APRIL, TWO THOUSAND AND TWENTY TWO
:PRESENT:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND



I.A. No. 1 of 2022
IN
W.P.(SR) No. 12828 of 2022

Between :-

D. Rama Chandra Gopala Raju, S/o. Late D. Appala Narasimha Raju, Aged 45 years,
Occ : Diet Contactor, Govt. Hospital for Mental Care, R/o. 15-11-6/4, Krsihna Nagar,
Simhadri Hospital Back Side, Maharanipeta, Visakhapatnam.

...Petitioner
(Petitioner in W.P.(SR) 12828 of 2022
on the file of High Court)

AND

- 1.The State of Andhra Pradesh, Rep. by its Principal Secretary,
Government of Medical & Health, Family Welfare Department,
Secretariat Buildings, Velagapudi, Amaravati, Guntur District,
Andhra Pradesh.
- 2.The Joint Collector & Chairman, District Diet Management Committee,
Visakhapatnam, Visakhapatnam District.
- 3.The Superintendent, Govt. Hospital for Mental Care, Visakhapatnam,
Visakhapatnam District.
- 4.The District Medical & Health Officer, Visakhapatnam, Visakhapatnam District.
- 5.M/s. Yarlagadda Nagarjuna, Diet Contractor, Government Hospital for
Mental Care, Visakhapatnam.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner : M/S. VIONDIN RUTH
Counsel for the Respondent Nos.1 to 4 :GP FOR MEDICAL & HEALTH

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 to stay of all further proceedings in RC.No. 87/G1/2022, Date 31-03-2022 of the petitioner, pending disposal of W.P.(SR) No. 12828 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER :-

“Heard learned counsel for the petitioner and perused the record.

Learned Assistant Government Pleader for Medical and Health sought time to file counter.

Contd..2...

On careful examination of the material available on record, the petitioner has been awarded diet contract for supply of diet to inpatients, Duty Doctors and Tribal attendants of Government Hospital for Mental Care, Visakhapatnam *vide* proceedings, dated 29.09.2020. In the said letter of award of contract, it is mentioned that the contract is for a period of two years from the date of agreement and two parties were selected through draw and accordingly, out of two years period, one K.Suresh Babu, Vijayawada is awarded to supply diet from 26.08.2020 to 25.08.2021 and petitioner is awarded to supply diet from 26.08.2021 to 25.08.2022. Without mentioning any reasons, the petitioner is awarded first year diet contract from 04.10.2020 to 03.10.2021 as per the orders of the Joint Collector and District Diet Committee. It appears the said Suresh Babu did not supply diet as per the duration of period fixed to him and as per the orders of the Joint Collector, the petitioner is supplying diet thereafter. Accordingly, the petitioner is entitled to supply diet till 25.08.2022.

The grievance of the petitioner is that respondent No.3 issued proceedings in Rc.No.87/G1/2022, dated 31.03.2022, wherein it is informed that respondent No.2 - Joint Collector finalized the diet contract in favour of respondent No.5 for supply of diet with effect from 06.04.2022 and directed the petitioner to hand over the kitchen and other kitchen properties as per Stock Register, which were given to the petitioner at the time of contract agreement to Dietician/Diet Clerk, Government Hospital for Mental Care, Visakhapatnam after supply of dinner on 05.04.2022.

Learned counsel for the petitioner submits that the petitioner is entitled to continue till 25.08.2022 as per the earlier letter of award of contract, dated 29.09.2020. Respondent Nos.2 and 3, without calling for any fresh tender, issued the impugned proceedings.

The contention of the learned counsel for the petitioner whether the impugned proceedings dated 31.03.2022 of respondent No.3 are issued after calling for fresh tender or not, it will be considered after filing counters by the official respondents. But *prima facie* it appears that as per letter of award of contract, dated 29.09.2020, the duration of period for the earlier contract period is up to 25.08.2022. As such, termination of diet contract of the petitioner without issuing any notice *vide* impugned proceedings is in violation of principles of natural justice.

For the reasons stated above, the respondents are directed to maintain *status quo* in all respects as on today for a period of four (4) weeks."

//TRUE COPY//

ASSISTANT REGISTRAR

TC 8/11/22
for ASSISTANT REGISTRAR *4/4/22*

Contd..3...

To

1. The Principal Secretary, Medical, Health and Family Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
2. The Joint Collector & Chairman, District Diet Management Committee, Visakhapatnam, Visakhapatnam District.
3. The Superintendent, Govt. Hospital for Mental Care, Visakhapatnam, Visakhapatnam District.
4. The District Medical & Health Officer, Visakhapatnam, Visakhapatnam District.
5. M/s. Yarlagadda Nagarjuna, Diet Contractor, Government Hospital for Mental Care, Visakhapatnam.
(Addressee Nos. 1 to 5 by RPAD)
6. Two CCs to the G.P. for Medical & Health, High Court of A.P., at AmaravatiZ(OUT)
7. One CC to M/s. Vinodin Ruth, Advocate(OPUC)
8. One spare copy.

TKK

HIGH COURT

DEV.J

DT.04-04-2022.

ORDER

I.A.No. 1 of 2022
IN
W.P.(SR)No. 12828 of 2022



INTERIM DIRECTION