

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION (PIL) No.115 of 2017

ORDER: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ petition (public interest litigation) has been filed alleging inaction in respect of complaint dated 29.12.2016 submitted by the petitioner to the respondents.

The petitioner's contention is that he is the President of Chandra Sai Welfare Society, which was formed in the year 2013, and he is interested in the welfare of the people. He has stated that the Incharge Medical Superintendent, RIMS Hospital, Adilabad, has invited tenders for supply of drugs, dressing and other material, by issuing Notification in RC 3691/RIMS/2015, in utter disregard to the rules and regulations and one M/s.Mega Surgical is interested behind the entire operation. He has further stated that the respondents have colluded with M/s. Megha Surgical, Adilabad, resulting in loss to the State Exchequer. An allegation has been made in respect of 'Audio Version, B.E.R.A' equipment for ENT Department of the Hospital, which was purchased by private respondent No.7 at the cost of Rs.8.20 lakhs. The petitioner's contention is that the cost of the equipment is Rs.6.00 lakhs only. It has also been stated that 'Multi Photo Therapy Unit' for Dermatology Department was purchased for Rs.90,000/-, whereas it costs in market Rs.40,000/- to Rs.50,000/-. Likewise, a 'Semi Auto Analyser' was purchased for Biochemistry Department at the rate of Rs.2.62 lakhs, whereas it is available in the market for Rs.1.90 lakhs. Certain other instances have also been cited by the petitioner.

A detailed and exhaustive reply has been filed by the Incharge Director, RIMS, Adilabad. It has been stated that respondent No.7 is not an officiating Incharge and he has been appointed as Incharge Medical Superintendent of RIMS, Adilabad, vide G.O.Rt.No.28, Health, Medical & Family Welfare (A2) Department, dated 18.01.2016, as he was holding the qualifications required for the post. There is not a single instance of any dishonest functioning as alleged by the writ petitioner. It has also been stated that the writ petitioner, by giving certain examples, wants this Court to conduct a roving enquiry. Respondent No.4 has conducted a detailed and exhaustive enquiry by constituting a Committee of three Doctors. The State Government has also looked into the matter and vide order dated 22.10.2016, a detailed report was called for on the complaint submitted by the petitioner. The issue was referred to the Superintendent, MGM Hospital, Warangal, who in turn submitted a report of Dr.B.Srinivas Rao, Deputy Superintendent, and Dr. K. Lakshmana Murthy, Deputy Superintendent, MGM Hospital, Warangal, holding that respondent No.7 has not deviated from the rules and regulations of the Government in issuing the tenders. Meaning thereby, the complaint of the petitioner has been probed into thoroughly by the State Government by constituting a Committee.

In the considered opinion of this Court, as the matter has already been probed into by the State Government, based upon the complaint of the petitioner, no case is made out for issuance of any further orders in the present writ petition. In case the petitioner is still alleging corruption against respondent No.7, the Telangana

Lokayukta Act provides for a procedure in respect of corruption by public servants and the petitioner shall certainly be free to approach the Lokayukta establishment.

With the aforesaid, the writ petition (public interest litigation) stands disposed of.

Pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

10.02.2022
JSU