

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.23978 OF 2006

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner to declare the action of the respondents in not paying the enhanced diet charges as per the G.O.Ms.No.191, Health, Medical and Family Welfare (M1) Department, dated 06.04.1999, as arbitrary and illegal and consequently direct the respondents to pay the enhanced diet charges as per the said G.O., for the period from 01.04.2001 to 31.03.2002.

Petitioner is a contractor for supply of diet to the Area Hospital, Nampally, Hyderabad. The petitioner was supplying the diet as per the rates fixed in the year 1983. Due to hike in the prices of essential commodities, basing on the representations made by the contractors and the recommendations of the 2nd respondent, the 1st respondent issued G.O.Ms.No.191, Health, Medical and Family Welfare (M1) Department, Dated 06.04.1999, enhancing the diet charges as follows:

Sl.No.	Nature of diet	Present rate of Diet Charge per Day.	Enhanced rate of diet charges per day.
1.	Inpatients (All Categories)	Rs.10/-	
2.	Inpatients (TB/Mental)	Rs.14/-	Rs.15/-
3.	Duty Doctors	Rs.20/-	Rs.40/-

The grievance of the petitioner is that though the G.O. was passed enhancing the diet charges, the respondents are not paying the enhanced charges to the petitioner. The petitioner has made a representation on 17.06.2003 to the 4th respondent with a request to pay the diet charges as per the aforesaid G.O. As the 4th respondent has not passed any orders on the said representation. Hence, the petitioner has filed the present writ petition.

The 2nd respondent filed a counter affidavit denying all the allegations made by the petitioner and stated that G.O.Ms.No.191 is not applicable to the petitioner, as the G.O. was specifically issued for the teaching hospitals.

Heard the learned counsel for the petitioner as well as the learned counsel for respondents and perused the record.

Learned counsel for the petitioner submits that though the respondents are paying the enhanced rates from the year 2002, they have not paid the enhanced rates for the period from 01-03-2001 to 31-03-2002 to which the petitioner is entitled to as per G.O.Ms.No.191, dated 06.04.1999.

In view of the submission of the learned counsel for the petitioner, this Court is of the view that the writ petition can be disposed of by directing the 4th respondent to consider the representation made by the petitioner.

Accordingly, the Writ Petition is disposed of directing the 4th respondent to consider representation, dated 17.06.2003, submitted by the petitioner and pass appropriate orders, if the petitioner comes within the norms of the G.O.Ms.No.191 Health, Medical and Family Welfare (M1) Department, dated 06.04.1999, within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs. The miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

February 23, 2015.
KTU