

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.602 of 2013

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M/S IGE Medical Systems through Proprietor, Rakesh Kumar, S/O Late Mahangu Singh, Office At 703-Jagat Trade Centre, VIIth Floor, Fraser Road, Police Station- Kotwali, District Patna.

.... Petitioner/s

Versus

1. Union of India through Secretary, Department of Health & Family Welfare, Government of India, New Delhi.
2. The Director Health, Planning Commission, New Delhi.
3. The Development Commissioner, Government of Bihar, Patna.
4. The State of Bihar through Principal Secretary, Department of Health, Government of Bihar, Patna.
5. The State Health Society Bihar, through its Executive Director.
6. The Executive Director, the State Health Society, Bihar.
7. The Administrative Officer, the State Health Society, Bihar.
8. The Incharge Radiology & Pathology, the State Health Society Bihar.

All 2 to 5 at Parivar Kalyan Bhawan, Sheikhpura, Patna-800014.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shravan Kumar, Sr. Adv. with Mr. Dinesh Maharaj
For the Respondent-Union	:	Ms. Kanak Verma, CGC
For the Respondent-State	:	Mr. Girija Shankar Pd, GP-1
For the State Health Society	:	Mr. K.K. Sinha

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

7 11-01-2016 Heard Mr. Shravan Kumar, learned senior counsel appearing for the petitioner, learned counsel for the State, and Mr. K.K. Sinha, learned counsel appearing for the State Health Society.

In this writ petition the petitioner is aggrieved by the direction issued by the Executive Director, State Health Society whereby fine has been imposed on the petitioner for closing the centre of X-ray and Ultra-Sound. The petitioner also prays for a

direction to the Executive Director, State Health Society to make payment of the admissible dues.

Mr. Shravan Kumar, learned senior counsel appearing for the petitioner with reference to a chart present at Annexure-9 series submits that an amount of about Rs.7¹/₂ crores remains pending for payment since 2012.

This Court notices that vide order passed on 24.9.2013 this Court directed the learned counsel representing the State Health Society to seek instruction regarding pending bills and though this matter has been taken up after more than two years yet the instructions are wanting.

In the circumstances and for the present the only direction that can be issued in the present case is to direct the petitioner to raise his claim before the Executive Director, State Health Society with supportive documents and which claim of the petitioner shall be considered and disposed of by the Executive Director, State Health Society, Bihar within a period of three months from the date of filing of such claim.

It goes without saying that such of the claim which is found admissible should be paid by the Executive Director, State Health Society, Bihar within a period of three months from the date of filing of the claim and such of the claims which are

disputed should be disposed of by a speaking order. It also goes without saying that the petitioner in respect of the disputed claims would be at liberty to raise the same before the Development Commissioner, Government of Bihar in the light of the right vested in him under Clause 8.2 of the agreement present at Annexure-6.

The writ petition is disposed of.

(Jyoti Saran, J)

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