

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1109 of 2015

M/s Kailash Medical Stores Through Proprietor Smt. Anita Sakhuja, W/o Shri R.K. Sakhuja, Aged About 54 Years, R/o Khaparganj, Bilaspur, Distt. Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Government Of Chhattisgarh, Department Of Health And Family Welfare, DKS Bhawan, Mantralaya, Raipur, Distt. Raipur (Chhattisgarh)
2. Director , Directorate Of Health Services, Old Nurses Hostel, Behind DKS Bhawan, Raipur , Distt. Raipur (Chhattisgarh)
3. Civil Surgeon -Cum-Hospital Superintendent, District Hospital , Near Bus Stand, Beside Navbharat Press, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	:	Smt. Fouzia Mirza, Advocate
For Respondents/State	:	Shri B. Gop Kumar, Dy.A.G.

S.B.:Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

22/02/2016

Heard.

1. This petition is directed against inaction of the respondents in not making payment towards medicines supplied by the petitioner to respondents.
2. Learned counsel for the petitioner submits that as per the orders issued to the petitioner from time to time, the petitioner supplied medicines to respondents. However, only part payment has been made and the balance amount has not been paid till date and on various pretext, the same has been kept pending. It is argued

that there are no allegations that the petitioner has raised fake bills without supplying the medicines of the quantity indicated in the bills nor is there any allegation that the medicines supplied by the petitioner were either expired or substandard and found to be bad. It is submitted that from the communications placed on record, the only reason assigned is that as soon as budget is available, payment would be made.

3. Learned counsel for the State submits that it is not only the want of budget allocation but it has also been found that supply order was issued in violation of financial rules.
4. As there is no complaint with regard to quality or quantity of medicines supplied by the petitioner and there being no dispute that the medicines supplied by the petitioner have already consumed, without there being any proceedings initiated against the petitioner in the matter, it would not be proper for the respondents to withhold payment of balance amount.
5. In view of the above, the action of the respondents appears to be arbitrary and in violation of Article 14 of the Constitution of India as the quantity and quality and supply of medicines has remained undisputed. Respondents should make payment of the balance amount payable to the petitioner at the earliest. Let it be done within a period of 3 months from the date of receipt of copy of this order.
6. With the aforesaid observations, the petition is finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge