

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION No.28497 of 2016

ORDER:

Vide the present petition, the petitioners seek mandamus declaring the action of the second respondent in suspending the empanelment of first petitioner as service provider in respect of Dr Nandamuri Taraka Ramarao Vaidya Seva Scheme Governing the G.O.Ms.No.127, dated 27.9.2014 and G.O.Rt.No.404, dated 5.8.2015, as illegal and arbitrary.

2. Heard both sides.

3. Learned counsel for the petitioner submits that the order dated 06.08.2016 whereby as per the inspection report, the respondent found that the petitioner hospital is empanelled for 5 specially i.e., S1-General Surgery, S4-Obstetrics and Gynecology, S5-Orthopedics, S14-Plastic Surgery and S15-Polytrauma. But as per the online records, the petitioner hospital is performing S15-Polytrauma specially only per one year. Further found that only two doctors are available for 50 bedded hospital but 8 duty doctors are mandatory. He submits that the said order is not communicated to the petitioner, however posted at the web portal of the second respondent. Therefore, he had no jurisdiction to pass such order and suspend the service of the petitioner hospital.

4. Learned counsel for the respondents submits that at page 118 is the internal noting of Chief Executive Officer (CEO) however the said document is not the order passed by the CEO. He fairly admitted that the Lr.No.Dr NTRVST/ EDM/F-109/2016, dated 8.8.2016 also issued by CEO, who is the appellate authority, thus had no power to issue the same.

5. Learned counsel appearing on behalf of the petitioner submits that let the order dated 8.8.2016 be considered as passed

by the competent authority and liberty may be granted to the petitioner to reply the same.

6. Accordingly, I hereby declare that the order dated 8.8.2016 is passed by the competent authority and the petitioner shall file reply to the said order within three (03) days from today, and the second respondent-Empanelment Disciplinary Committee shall take decision after considering the reply filed by the petitioner within one week. The decision taken shall be conveyed within two days thereafter.

7. If the petitioner still aggrieved, the liberty is granted to approach the appropriate forum.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to cost. Pending petitions, if any, in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

Date :24-08-2016

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