

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 311 of 2016

Date: 17.06.2016

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Between:

State of A.P., rep., by its Principal Secretary,
Health, Medical and Family Welfare Department,
Hyderabad & another.

... Appellants

And

M/s. Eagle Hunter Solutions Ltd.,
Rep., by its Executive Director,
New Delhi & another.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APPEAL No. 311 of 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against the interlocutory order, dated 20.04.2016, passed in WPMP.No.16392 of 2016 in W.P.No.13092 of 2016.

This Court on 05.05.2016 in WAMP.No.934 of 2016 passed the following order:

“This writ appeal was filed against the order dated 20.04.2016 passed in W.P.M.P.No.16392 of 2016 in W.P.No.13092 of 2016, wherein the learned single Judge of this Court directed the respondent authorities therein not to entrust the work of operation and maintenance of Mobile Medical Units infrastructure, and to provide primary and selective secondary healthcare in identified villages for a period of two years vide tender notification dated 05.01.2016 to the 3rd respondent therein.

Learned Advocate General appearing on behalf of the appellants herein submits that by the time the interim order was passed, the work was entrusted to the 2nd respondent herein, as is evident from the fact that the prize bid was opened on 06.02.2016 and also an agreement was entered into with the 2nd respondent herein on 27.02.2016. He further submits that by virtue of impugned interim order, the Government is disabled from providing health care to more than 13,000 villages. He also submits that the 1st respondent – writ petitioner withdrew its Earnest Money Deposit (EMD) on 31.03.2016 and without disclosing the above factors, filed the present writ petition, and as such, the impugned order is required to be suspended.

Sri D. Prakash Reddy, learned Senior Counsel appearing for the 2nd respondent herein, submits that pursuant to the agreement executed by the appellants in favour of the 2nd

respondent on 27.02.2016, vehicles were handed over in two phases, i.e. on 31.03.2016 and 07.04.2016 and the said aspect has not been brought to the notice of the learned single Judge of this Court. He also submits that since the work has already been entrusted, the interim order directing not to entrust the work cannot be allowed to be continued.

Sri P. Gangaiah Naidu, learned Senior Counsel for the 1st respondent – writ petitioner, submits that the writ appeal itself is not maintainable against the impugned interim order. He further submits that as the 2nd respondent herein was a defaulter, the work could not have been entrusted to it, and therefore, the interim order granted by the learned single Judge is justified.

On a perusal of the record produced by the learned Advocate General, it is seen that the 1st respondent – writ petitioner has withdrawn the EMD and the said fact has not been mentioned in the writ affidavit. Learned Advocate General has also placed before this Court a copy of the agreement dated 27.02.2016 entrusting the work in favour of the 2nd respondent herein. He contended that the work was entrusted and the State has also made an action plan providing health care during summer vacation.

In view of the above facts and circumstances, the impugned order is suspended till 02.06.2016.

Post on 02.06.2016.”

Learned counsel for the parties have fairly stated that writ appeal may be disposed of in terms of the aforesaid order, dated 05.05.2016, and learned Judge may be requested to consider and decide writ petition on merits in accordance with law expeditiously.

Writ appeal is accordingly disposed of in terms of the interim order, dated 05.05.2016, passed in WAMP.No.934 of 2016. Learned Judge shall endeavour to consider and decide the writ petition expeditiously.

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 17.06.2016
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