

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-4955-2016

Date of decision :May 06, 2016

Amrit Lal

..... Petitioner

Versus

Shromani Gurudwara Parbandhak Committee & Others

.....Respondents

**CORAM : HON'BLE MR.JUSTICE S.S. SARON
HON'BLE MR.JUSTICE GURMIT RAM**

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

Present : Mr. H.C. Arora, Advocate
for the petitioner.

S.S. SARON, J.

Affidavit of Mr. Amrit Lal, petitioner has been filed. It is stated that petition has been filed in his personal capacity and he has incurred the expenses for the same. The petitioner is a member of Amritsar Anti-Corruption & Welfare Society and he has referred to his Membership of the aforesaid Society to prove his credentials.

It is stated that petitioner was upset at the plight of the cancer patients, being treated in Sri Guru Ram Dass Charitable Hospital Trust-responder No.2. Poor cancer patients get cashless treatment upto a limit of Rs.1.50 lacs under the Punjab Government Scheme, any amount above the

said limit has to be incurred by the patient himself. A poor cancer patient, who get cashless treatment up to Rs.1.50 lacs, in fact gets the benefit of medicines worth Rs.75,000/- only in the absence of any discount being offered by the chemist shops located within Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2 .

The petition has been filed for directing the respondents to incorporate a provision for payment of maximum discount to the consumers/patients, while conducting the open auction of four medical stores in Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2, inter alia on the ground that the Charitable Hospital is owned by a Trust which is controlled by Shriomani Gurudwara Parbandhak Committee, Sri Amritsar Sahib-respondent No.1 and such charitable trust must show consideration to the patients/consumers by making a provision for grant of maximum discount to the patients/consumers who purchase medicines from Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2. Besides, various other prominent hospitals in the State of Punjab are providing such discounts for the purchase of medicines. The details of which are mentioned.

The grievance of the petitioner is that Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2 is not providing any discount to the patients/consumers, whereas other prominent hospitals in the State of Punjab are providing similar discounts. Therefore, it is prayed that a mandamus be issued to them.

After giving our thoughtful consideration to the matter, it may be noticed that though the case of the petitioner may be well-founded, however, this Court in exercise of its writ jurisdiction under Article 226 of

the Constitution of India cannot issue a mandamus for providing discounts on medicines. However, Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2 is requested to itself to consider whether such discounts are to be given or not.

In the circumstances the present petition is disposed of with a request to Sri Guru Ram Dass Charitable Hospital Trust-respondent No.2 to consider the grievance of the petitioner for providing necessary discounts. A copy of petition along with its Annexures be sent to it for necessary action.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

May 06, 2016

Gaurav Sorot