

29.11.2021.
Court No.13
Item No. 17
ap

**W.P.A. No. 14064 of 2021
(Through Video Conference)**

**Nirmal Chakraborty
Versus
The State of West Bengal & Ors.**

Mr. Swarup Paul,
Mr. Surya Maity,
Ms. Amrita Maji.

...For the petitioner.

Mr. Jishnu Chowdhury,
Mr. Sutanu Chakrabarti.

...For the State.

The writ petitioner is aggrieved by an order dated 28th August, 2021 issued by Superintendent, Durgapur SD Hospital, Paschim Bardhaman canceling an agreement between the C.M.O.H, Purba Bardhaman and the petitioner for supplying of a staff car. The reason therefor is that the staff car of the petitioner being WB 37C 2288 was always under repair and poorly maintained.

Counsel for the State submits that, the terms and conditions of hiring a vehicle for DPMU, Asansol stipulate that the same can be terminated at any time.

It appears to this Court that, since the contract with petitioner has been signed by the C.M.O.H, Purba Bardhaman, it is only the latter, who can issue the said order of termination.

Without entering into the controversy raised by the parties, this Court had asked the Counsel for the

petitioner to ascertain as to whether his client is willing to supply a new vehicle to the Superintendent, Durgapur SD Hospital, Paschim Bardhaman under the aforesaid contract. Counsel for the petitioner submits today that his client is ready and willing to do so.

In that view of the matter, the petitioner shall supply a fresh and new vehicle to the Superintendent, Durgapur SD Hospital, Paschim Bardhaman under the aforesaid agreement of the C.M.O.H, Purba Bardhaman within a period of three weeks from date.

In the event, such new vehicle with all appropriate amenities is provided to the Superintendent, Durgapur SD Hospital, Paschim Bardhaman, within three weeks from date, the order dated 28th August, 2021 shall remain stayed.

It is made clear that, in the event of non-supply of new vehicle as indicated hereinabove, the contract of the petitioner with the C.M.O.H, Purba Bardhaman shall stand automatically terminated and the C.M.O.H., Purba Bardhaman shall be permitted to take further steps in accordance with law in that regard.

With the aforesaid observations, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(*Rajasekhar Mantha, J.*)