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Contempt Petition No.1786 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1786 of 2019

S.Gandhi,
No.102, Rajarajan Street,
Tiruvannamalai 606 601

.. Petitioner

vs.

Dr.M.A.Shakil Ahmed, MD, (GM),
Dean,
Government Medical College and Hospital,
Tiruvannamalai,
Tiruvannamalai District.

.. Respondent

The Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for his disobedience of the orders of this Court made in WP No.14681 of 2016, dated 04.03.2019.

For Petitioner	: Mr.A.E.Ravichandran
For Respondent	: Mr.C.Selvaraj, Additional Government Pleader.

O R D E R

The present Contempt Petition is filed to punish the respondent for his wilfull disobedience of the orders passed by this Court in WP No.14681 of 2016 dated 04.03.2019.

2. The petitioner was allotted Kiosk in the year 1979 at

Thiruvannamalai Medical College and Hospital and he had been running the



same till 2014 without any remarks in the said Kiosk. The petitioner was vending tea, coffee and biscuits alone and the poor patients and the College Attenders were got benefited from and out of the Kiosk run by the petitioner.

3. From and out of the income of the Kiosk, the petitioner was leading his livelihood. All of a sudden, after construction of new Hospital building, the petitioner was not permitted to run the Kiosk. Thus, the petitioner was constrained to move WP No.14681 of 2016 before this Court.

4. This Court allowed the abovesaid writ petition on 04.03.2019, wherein the relevant paragraph-4 of the order is extracted as under:-

“4. In the above circumstances, the impugned order is set aside and accordingly, the Writ Petition is allowed. The petitioner is directed to approach the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the fourth respondent is directed to consider and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing,



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within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions is closed.”

5. The grievance of the petitioner is that the orders passed by this Court has not been implemented. Thus, the petitioner filed the present Contempt Petition before this Court.

6. Today, Smt.A.Jayanthi, Deputy Secretary to Government, Health and Family Welfare Department, Chennai-600 009, is present before this Court along with the files. A letter was issued by the Principal Secretary to Government, Health and Family Welfare Department addressed to the Government Pleader, High Court, Madras dated 25.11.2021, is placed before this Court. The said letter indicates that the Dean, Thiruvannamalai District is permitted to allow the petitioner to run the Kisok (to vend tea and coffee) temporarily at the premises of Thiruvannamalai Government Medical College Hospital, till a policy decision is taken on the running of Kiosks. Further, it is stated in the said letter that necessary instructions have been given to the fourth respondent-Dean, Government Medical College Hospital, Thiruvannamalai to file writ appeal, as the Government policy decision issued in G.O.Ms.93, Health and Family Welfare Department, dated 25.03.2015 was quashed by this Court in the abovesaid writ petition.



7. At the time of hearing of the arguments of the respective learned counsel appearing on behalf of the petitioner as well as the respondent, it transpired that there are certain inconsistencies and discrepancies in the matter of granting permission to run Kiosks in the Government Medical Colleges and Hospitals and the Government Hospitals across the State of Tamil Nadu.

8. The learned counsel appearing on behalf of the petitioner made a submission that though a policy decision was taken to lease out the Kiosk through Open Public Auction, the same remains only in paper and no action has been taken by the Government. The learned counsel for the petitioner reiterated that in some Hospitals, permissions are granted in respect of the existing vendors and in some Hospitals, such permissions are not granted.

9. This Court is of the considered opinion that such inconsistencies or discriminations in the matter of dealing with vendors are to be avoided by the Government and uniform policy is required for the benefit of the patients, who all are taking treatment and the employees and other visitors, who all are coming to the Government Hospitals and Medical College Hospitals.

<https://hcservices.ecourts.gov.in/hcservices/> 10. It is needless to state that the vendors permitted inside the



Government Hospitals must maintain hygienic atmosphere in the Canteens and other places and the sale was for the supply of quality food products to the patients and the attenders, who all are coming to the Government Hospitals must ensure that selling of tea, coffee, snacks or other food products are properly inspected and quality foods and the products are supplied to the patients, attenders and the persons, who all are visiting the Government Hospitals.

11. The erstwhile policy of granting permission by the Dean, Thiruvannamalai District was cancelled by the Government on account of serious complaints regarding supply of quality foods by the vendors across the State of Tamil Nadu. However, the said policy has not been implemented properly and it is brought to the notice of this Court that the Deans of the respective Government Hospitals are taking their own decision either in violation of the Government policy or by causing discrimination amongst the vendors in such matters. Thus, the Government is bound to interfere in these matters and ensure that the vending of food products i.e., coffee, tea etc., are regulated for the benefit of public at large and the patients taking treatment in the Government Hospitals at all times and an uniform policy is to be formulated for the better functioning of the Stalls inside the Government Hospitals.



12. Any supply of bad quality of food products is an offence under the Food Safety Act. The services of Food Inspector must be pressed into service to conduct frequent inspections in respect of Canteens and Stalls inside the Government Hospitals. The patients are taking treatment for cure and if such patients are supplying with bad quality of foods, the situation will become worse and the health and welfare of the patients taking treatment inside the Hospitals get affected. Thus to protect the health of the citizen of this Great Nation, the Authorities are expected to act swiftly and prudently in such matters.

13. In common parlance, large scale complaints are prevailing in respect of maintenance of cleanliness in Government Hospitals. Thus the Health and Family Welfare Department is directed to look into these aspects and ensure that the public interest as well as the interest of the patients are protected at all times, which is a constitutional mandate.

14. Right to life, being an integral part of Article 21 of the Constitution of India. Providing decent medical treatment is a fundamental right ensured under the Constitution. Thus, the right to life indicates that not only the decent medical facilities but also clean atmosphere and unadulterated foods to be supplied and on all other aspects of the matter, as the State is expected to implement the constitutional mandate under Article



21 of the Constitution of India, which is a fundamental right of every citizen.

15. In this view of the matter, the Principal Secretary to Government, Health and Family Welfare Department, Fort Saint George, Secretariat, Chennai-600 009, is directed to initiate all appropriate steps to remove these discrepancies, inconsistencies, discriminations etc., and maintain consistency, uniformity in the matter of allotment of Kiosks and other Canteens, Stalls etc.

16. With the above directions, this Court is of an opinion that the grievance of the petitioner is redressed, as he is permitted to run the Kiosk and necessary instructions were also provided to the Dean, Government Medical College and Hospital, Thiruvannamalai and thus, no further directions are necessary. Consequently, the contempt petition stands closed. However, there shall be no order as to costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

svn

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.



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GS/01/12/2021

WEB COPY To

The Dean,
Government Medical College and Hospital,
Tiruvannamalai,
Tiruvannamalai District.