

**HIGH COURT OF ANDHRA PRADESH: AMARAVATHI****MAIN CASE No.: W.P.No.8686 of 2022****PROCEEDING SHEET**

| Sl. No | DATE       | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | OFFICE NOTE |
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| 01.    | 04.04.2022 | <p><b><u>DEV,J</u></b></p> <p><b><u>W.P.No.8686 of 2022</u></b></p> <p>Notice before admission.</p> <p>Learned Government Pleader for Medical and Health takes notice for respondent Nos.1 to 4.</p> <p>Issue notice to respondent No.5.</p> <p>Learned counsel for the petitioner is permitted to take out personal notice to respondent No.5 and file proof of service within two weeks.</p> <p>Post on 25.4.2022 for filing counters by the respondents.</p> <p style="text-align: right;"><b><u>DEV,J</u></b></p> <p><b><u>I.A.No.1 of 2022</u></b></p> <p>Heard learned counsel for the petitioner and perused the record.</p> <p>Learned Assistant Government Pleader for Medical and Health sought time to file counter.</p> <p>On careful examination of the material available on record, the petitioner has been awarded diet contract for supply of diet to inpatients, Duty Doctors and Tribal attendants of Government Hospital for Mental Care, Visakhapatnam <i>vide</i> proceedings, dated 29.09.2020. In the said letter of award of contract, it is mentioned that the contract is for a period of two years from the date of agreement and two parties were selected through draw and accordingly, out of two years period, one K.Suresh Babu, Vijayawada is awarded to supply diet from 26.08.2020 to 25.08.2021 and petitioner is awarded to supply diet from 26.08.2021 to 25.08.2022. Without mentioning any reasons, the</p> |             |

| Sl. No | DATE | ORDER                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | OFFICE NOTE |
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|        |      | <p>petitioner is awarded first year diet contract from 04.10.2020 to 03.10.2021 as per the orders of the Joint Collector and District Diet Committee. It appears the said Suresh Babu did not supply diet as per the duration of period fixed to him and as per the orders of the Joint Collector, the petitioner is supplying diet thereafter. Accordingly, the petitioner is entitled to supply diet till 25.08.2022.</p> <p>The grievance of the petitioner is that respondent No.3 issued proceedings in Rc.No.87/G1/2022, dated 31.03.2022, wherein it is informed that respondent No.2 – Joint Collector finalized the diet contract in favour of respondent No.5 for supply of diet with effect from 06.04.2022 and directed the petitioner to hand over the kitchen and other kitchen properties as per Stock Register, which were given to the petitioner at the time of contract agreement to Dietician/Diet Clerk, Government Hospital for Mental Care, Visakhapatnam after supply of dinner on 05.04.2022.</p> <p>Learned counsel for the petitioner submits that the petitioner is entitled to continue till 25.08.2022 as per the earlier letter of award of contract, dated 29.09.2020. Respondent Nos.2 and 3, without calling for any fresh tender, issued the impugned proceedings.</p> <p>The contention of the learned counsel for the petitioner whether the impugned proceedings dated 31.03.2022 of respondent No.3 are issued after calling for fresh tender or not, it will be considered after filing counters by the official respondents. But <i>prima facie</i> it appears that as per letter of award of contract, dated 29.09.2020, the duration of period for the earlier contract period is up to 25.08.2022. As such, termination of diet contract of the petitioner without issuing any notice <i>vide</i> impugned proceedings is in violation of principles of natural justice.</p> |             |

| Sl. No | DATE | ORDER                                                                                                                                                                                                                                                                        | OFFICE NOTE |
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|        |      | <p>For the reasons stated above, the respondents are directed to maintain <i>status quo</i> in all respects as on today for a period of four (4) weeks.</p> <p style="text-align: right;"><u>DEV,J</u></p> <p><b><u>Note:-</u></b><br/>Issue C.C. today.<br/>B/O<br/>AMD</p> |             |