

(2010) 12 UK CK 0023

In the Uttarakhand High Court

Case No : Writ Petition No. 557 of 2010 (M/S)

Konark Global Service and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0023

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Allowed

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties.

2. By means of this writ petition, the Petitioner has sought writ in the nature of certiorari to quash the tender invited by Respondent No. 4 for supplying diet and food to the patient in the Hospital of Respondent No. 4 by tender No. 2009-10-48, dated 08.04.2010. It is further prayed that Respondent No. 4 be directed to invite fresh tender for year 2010-11 for supplying diet and food to the patient in accordance with the terms and conditions laid down in Government Order dated 26.12.2001 and 22.08.2005.

3. The grievance of the Petitioners is that Respondent No. 4 had issued an advertisement on 08.04.2010, inviting tenders for supply of Diet for patients in the Jawahar Lal Nehru District Hospital, Udham Singh Nagar, and as per condition No. 20 of the tender notice, only those persons, who had three years experience in the Government or Semi Government Departments of connected work, would be eligible to carry out the work.

4. A counter affidavit has been filed by Respondent No. 4 -Chief Medical Superintendent, in which it has been stated in para-10 that tender committee had conducted its meeting on 08.04.2010, in which keeping in view the supply of proper, hygienic food to the patients of the hospital, bonafidely added a condition that the contractor should have an experience of three years of supplying food in

Government/Semi Government Organisations.

5. I have perused the Government Order dated 26.12.2001 (Annexure-1 to the writ petition) and the Government order dated 22.08.2005 (Annexure-2 to the writ petition). After perusal of condition number 20 of tender notice, issued by Respondent No. 4 and the Government Order dated 26.12.2001, shows that the condition imposed by the tender committee is dehorse the Government Order dated 22.08.2205 (Annexure-2 to the writ petition). Condition number 20 of the tender notice is violative of the Government Order, issued by the Government for the same purpose.

6. Having heard learned Counsel for the parties and going through the material on record, this Court is of the view that the writ petition deserves to be allowed. The writ petition is allowed. Tender notice No. 2009-10-48, dated 08.04.2010, is hereby set aside. The Respondents are given liberty to float new tenders, as per condition of the Government Order.