
(1991) 04 SC CK 0032

In the Supreme Court Of India

Case No : Writ Petition No. 339 Of 1986

Rakesh Chandra Narayan

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 09-04-1991

Acts Referred:

Citation : AIR 1989 SC 348 : (1988) 4 JT 233 : (1993) 4 SCALE 509 : (1991) 2 SCC 626 Supp : (1988) 3 SCR 306 Supp

Hon'ble Judges : Ranganath Misra, J;Kuldip Singh, J;M.H. Kania, J

Bench : Full Bench

Final Decision : Allowed

Judgement

1. An affidavit has been filed by the Commissioner-cum-Health secretary of the State of Bihar to the effect that a sum of Rs. 10 lakhs in terms of the court's order has now been sanctioned and the remittance has been made available to the Committee appointed by the court being placed in the hands of the Superintendent of the Hospital. The Health secretary has further indicated in his affidavit which he corroborates in his oral submissions in court that a sum of Rs. 47,67,000.00 representing the diet expenses for 1990-91 has also been sanctioned. He points out that a further sum of Rs. 23,42,408.00 representing the price of the medicines for the year 1990-91 remains to be sanctioned and given a fortnight's time, the sanction order would be made.

2. We are surprised that the diet charges for the period up to 31/03/1991 and price of medicines supplied for that period are being cleared at the end of the year. Holding up the payments of diet bills and the price of medicines up to such a belated point of time is bound to create problems and perhaps may lead to abuse of the system. We have explained to the Health secretary that in future, and beginning from the current financial year this practice should be abandoned and funds should be so sanctioned in advance so that periodic payments may be possible.

3. The Health secretary in his affidavit has stated that he visited the hospital in the last week of March 1991 and found that the steps for regular supply of water had not been completed. Some explanation has been given as to the misunderstanding between the Public Works Department and the PHE Department. Though we do not accept the explanation, in view of the certificate given by the Health secretary who is also a member of this court's Committee that the work has been done - and these two engineers have reiterated that position in their respective affidavits we do not propose to make any further order except that we require Executive Engineer Rout to visit the hospital once a week at his convenience to ensure the supply of water particularly during the summer season which is about to start.

4. The Health secretary has told us that the contribution by the State of West Bengal and Orissa has already been paid up to date. He wants time to find out whether the contribution of the State of Bihar has been made and undertakes to inform the Registry by correspondence as to the exact position. In case the payment has not been made, we make a direction to the State of Bihar to make it up to date within four weeks from now and require the Chief secretary to confirm compliance of this part of the order to the Registry.

5. It appears that the building of the hospital is in very bad shape, Some portions require immediate repairs and some additional construction is also necessary. According to the Health Secretary, the minimum estimate for such purpose would be around Rs. 3 crores. The inmates in this hospital are mentally ill people and they have no occasion to agitate over their grievances and perhaps even if they were in a position nobody would hear. Now this court has taken the responsibility to monitor the functioning of this hospital until it comes to a particular level. We think that this is our obligation to call upon the State of Bihar to provide an amount of Rs. three crores by 30/06/1991 and put an Executive Engineer from the Public Works Department to undertake the repairs as also the fresh construction which is necessary for running this hospital. The Chief secretary of the State of Bihar shall have a direction to ensure provision of 3 crores for the purpose, accord the approval to the repairs and construction works after obtaining the necessary information for complying with the official requirements and report to this court that this part of the direction is also complied with.

6. We adjourn the matter to 15/07/1991 when the reports from the Health secretary as also the Chief secretary shall be placed before the court for further directions.

7. Counsel appearing for the President of the Mazdoor Union has agreed to withdraw the claim in view of the fact that our order made today will ultimately take care of their difficulty.

8. Copy of this order shall be made over to the Health secretary of the Bihar, the Executive Engineer of the PHE Department as also be transmitted to the Chief secretary of the State of Bihar for compliance with the respective directions with

which they are concerned.

9. A copy of this order shall also be made over to Ms Hingorani.