



GOVERNMENT OF JAMMU & KASHMIR
GOVERNMENT MEDICAL COLLEGE
BARAMULLA, J&K.

SUBJECT: Consideration order in WP(C)No.960 /2023 titled KS Enterprises vs. Union territory of Jammu and Kashmir & Otrs in Compliance with the Hon'ble High court of J&K and Ladakh order Dated 26-04-2023.

Office Order No 138 of 2025
Dated: 27-03-2025

WHEREAS, the petitioner has filed the aforementioned writ petition before the Hon'ble High Court, seeking the following relief:-

"By a writ of Mandamus:

- The respondents may be directed to release the due payment of Rs 9,15,706/- (Nine lakhs fifteen thousand and seven hundred and six) in favour of the petitioner for the order supplied by him along with 18% interest from the date the same has been withheld by the respondent department
- The respondents be burdened with exemplary costs and damages of RS three lakhs for the harassment , agony, loss and injury suffered by the petitioner for the inaction of the respondents for withholding the due payments unnecessarily or at least they may be directed to pay the interest amount paid by the petitioner from the date, the payment has been stopped by the respondents"

WHEREAS, the Hon'ble High Court, vide its order dated 26-04-2023, adjudicated upon and disposed of the said writ petition, and the operative part of the order is reproduced as under:

"Upon due consideration of the rival contentions, this Court is of the view that no useful purpose shall be served by keeping the matter pending. Accordingly, the writ petition is admitted and disposed of with a direction to the respondents to accord due and meaningful consideration to the claim of the petitioner for release of Rs. 9,15,706/- at the earliest, preferably within a period of four weeks from the date of issuance of this order, strictly in conformity with the applicable norms, regulations, and, procedural requirements."

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WHEREAS, the Administrative Department, Health & Medical Education, Jammu & Kashmir, vide communication no. ME-Leg/212/2023-01(CC-7704301) dated 19.10.2023, directed this office to undertake a comprehensive examination of all the Pending liability matters in light of the following observations:

- I. Justification for procurement outside the ambit of JKMSCL.
- II. Authority under whose sanction the procurement was undertaken.
- III. Availability of budgetary provisions for the said procurement.
- IV. If such provisions were available, reasons for non-release of payment.
- V. Identification of officers/officials responsible for the procurement.
- VI. Details of cost estimates framed prior to issuance of the supply order.
- VII. Whether Administrative Approval (AA) from the competent authority was obtained.
- VIII. Adherence to due process in tendering, including technical bid scrutiny and pre-qualification.
- IX. Details of financial bids received and their opening process.
- X. Compliance with General Financial Rules (GFR) and Central Vigilance Commission (CVC) guidelines in the issuance of the work order.
- XI. Execution of procurement in line with the terms of the work order.
- XII. Verification of quality and quantity by Government Medical College, Baramulla.
- XIII. Identification of officials involved in creation of financial liability, with details of name, designation, and present posting.
- XIV. Action taken by the Principal, Government Medical College, Baramulla, against erring officials.

WHEREAS, pursuant to the directions of the Administrative Department, the Principal, Government Medical College, Baramulla, vide Order No. GMC/Bla/ADM/2023/10371-74 dated 24-11-2023, constituted an Enquiry Committee to conduct a detailed examination of the matter in light of the aforementioned observations; and

WHEREAS, the Enquiry Committee submitted its report on 29-08-2024, which was subsequently forwarded to the Administrative Department vide communication No. GMC/Bla/2024/1376-78 dated 30-08-2024, for further necessary action; and



WHEREAS, the Administrative Department, vide communication No. ME-Leg/212/2023-01(CC-7313122) dated 03-01-2025, directed the submission of a compliance report in light of the findings of the Enquiry Report in such cases; and

WHEREAS, the Annexure-C attached by the petitioner in the writ petition for the supply of the said items lacks both dispatch No and Date making it dubious and questionable document.

WHEREAS, upon thorough examination of the Enquiry Report, the following observations have been made:

1. The procurement in question was undertaken outside the ambit of JKMSCL, as per available records.
2. No budgetary provisions existed for the said procurement, as per available records.
3. No cost estimates were framed prior to the issuance of the supply order, as per available records.
4. No Administrative Approval (AA) from the competent authority was obtained, as per available records.
5. No formal tendering process, including technical bid scrutiny and pre-qualification evaluation, was conducted, as per available records.

NOW THEREFORE, in view of the above facts and circumstance of the case, and in furtherance of the compliance of Hon'ble High Court's order Dated 26-04-2023, the matter has been duly examined. However, in light of the procedural infirmities and non-adherence to established codal formalities, the claim of the petitioner is found to be devoid of merit and is, accordingly, considered and rejected.


Prof (Dr) Majid Jahangir
Principal / Dean

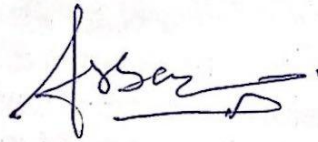
Dated:- 26-03-2025

No. GMCB/Legal/2025/33-42

Copy to (for information & Necessary action):-

1. Secretary to the Govt., Health & Medical Education Deptt, J&k for favour of kind information.

2. Mr Rais-Ud-Din Ganaie, the learned Deputy Advocate General for information with the request for filling the compliance report accordingly
3. Procurement officer GMC Baramulla
4. Chief Accounts Officer, GMC Baramulla
5. Medical Superintendent, Associated Hospital, GMC Baramulla
6. Administrative office / Law Officer (ALR), GMC Baramulla
7. In-charge IT section for uploading on college website
8. Concerned Firm (KS Enterprises)
9. Relevant file / general record file.

A handwritten signature in black ink, appearing to be 'Rais-Ud-Din Ganaie', written in a cursive style.A handwritten signature in black ink, appearing to be 'Asrar', written in a cursive style.

GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT
ADN/2023/10371
To conduct a compliance
audit of the
concerned firm