

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

(THROUGH VIRTUAL MODE)

WP(C)PIL 15/2025

COURT ON ITS OWN MOTION

...Petitioner(s)/appellant(s)

Through: Mr. S. S. Ahmed, (Amicus Curiae)
Mr. S. S. Chouhan, Advocate &
Mr. Zulkarnain, Chowdhary, Advocate

Vs.

**COMMISSIONER/SECRETARY TO HEALTH
AND MEDICAL EDUCATION DEPARTMENT
CIVIL SECRETARIAT, JAMMU AND ORS**

...Respondent(s)

Through: Ms. Sagira Jaffer, Assisting Counsel vice
Ms. Monika Kohli, Sr. AAG

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

18-05-2026

Pursuant to the order dated April 29, 2026 passed by this Court, a fresh affidavit by Mr. Mohd. Ashraf Chowdhary, General Manager, Jammu and Kashmir Medical Supplies Corporation Limited (JKMSCL) has been filed. Per which, as regards the District Hospital, Budgam, District Hospital Poonch, SMGS Hospital, Jammu and Super Specialty Hospital, Srinagar, 128 Slice CT Scan Machines have since been delivered by the Japanese vendor on March 23, 2026. However, the installation and commissioning of those machines could not be undertaken owing to non-availability of those requisite 150 KVA three-phase permanent power supply at the site. Albeit, the entire installation process and commissioning of the machines would take only 15/20 days from the date the requisite power supply is made available.

Accordingly, the Corporation vide communication dated May 12, 2026, has impressed upon the Director, Health Services Kashmir to ensure immediate stabilization of permanent 150 KVA three-phase power supply at the respective hospitals indicated above. Further, the issues such as, site readiness, completion of civil/electrical works and provision for requisite permanent power supply fall is within the administrative domain of the consignee institution/end user department, whereas the corporation is only the procuring agency.

Ex-facie, post-delivery of the machines, nearly two months have elapsed and nothing is indicated if the concerned authorities have taken any measures to ensure their timely installation and operations to meet the purpose they were requisitioned for. Needless to assert that with each day's delay, the general public, particularly, the poor and hapless continue to suffer.

Learned counsel for the parties submit that as regards the hospitals situated at Jammu, it is the Jammu Power Development Corporation Limited (JPDCL) which would be the competent authority to ensure 150 KVA three-phase permanent power supply at site. Similarly, as for the hospitals situated at Srinagar, it is the Kashmir Power Development Corporation Limited (KPDCL), which is the authority to facilitate the process and accord necessary permissions/sanctions etc.

Accordingly, on the oral request of learned counsel for the parties, Jammu Power Development Corporation Limited (JPDCL) and Kashmir Power Development Corporation Limited (KPDCL) through their respective Managing Directors are impleaded as party respondents No. 05 & 06. Necessary amendment be carried out in the array of parties. And, on asking of the Court, Ms. Maha Majeed, accepts notice on behalf of

Kashmir Power Development Corporation Limited (KPDCL) and Ms. Sagira Jaffer, accepts notice on behalf of Jammu Power Development Corporation Limited (JPDCL). They pray for a short accommodation to seek instructions and submit a specific affidavit in this regard. Registry to update the cause title of the appeal accordingly.

As regards SMHS Hospital, Srinagar, Chest Disease Hospital, Jammu as also Super Specialty Hospital, Srinagar, it is indicated that as per the Letter of Credit conditions, the latest date of Shipment is July 18, 2026 and July 26, 2026 respectively. And the suppliers have informed that dispatch arrangements are in progress and have further assured that the delivery and installation shall be completed within stipulated timelines.

Similarly, in terms of our order dated 11.03.2026 and 29.04.2026, status report on behalf of Health and Medical Education Department has also been submitted. Per which, the Inquiry Officer has submitted the inquiry report vide communication dated 05.05.2026, which shows that Dr. Vipin Mangotra, Professor and Head of Department, Radio-Diagnosis, Government Medical College, Jammu, has conceded that he was engaged in private practice at a diagnostic facility in Reasi. The report also indicates the irregularities in biometric attendance and failure to obtain station leave. Therefore, the department has initiated formal disciplinary proceedings against the concerned officer and the Articles of Charges, Statement of Imputations, Gist of Evidence are being served upon the charged officer for further action.

At this stage, however, Mr. S. S. Ahmad, learned Amicus submits that barring a few exceptions almost every doctor employed/engaged in Government Medical Colleges and hospitals is engaged in private practice *de horsthe* norms and Government Order No. 43-HME of 2013 dated

17.01.2013. Hence he asserts that the matter warrants a thorough/deeper probe at highest level. He prays for a short accommodation to furnish a specific/detailed affidavit in this regard.

Likewise, in terms of our order dated April 29, 2026, the Senior Superintendent of Police, Jammu has also submitted an affidavit dated 14.05.2026. We have perused the averments set out therein. However, before we proceed any further, we direct the officer to place the complete record of the inquiry, that is purported to have been conducted, before the court for scrutiny.

Adjourned to 02.06.2026, be shown at serial No. 01 on the list.

Copy of the order be provided to learned counsel appearing for the respective parties.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

SRINAGAR
18-05-2026
Shameem H