

29.11.2018 Present: None for the petitioners.

Mr. Rajnish Maniktala, Advocate for the intervener.

Mr. Ajay Vaidya, Senior Additional Advocate General with Rajat Chauhan, Law Officer for the respondents/State.

None for respondent No. 3.

Mr. Rajesh Sharma, ASGI, for respondent No. 8.

In deference to order dated 05.11.2018, Shri R.D. Dhiman, Additional Chief Secretary (Health), Government of Himachal Pradesh, is said to have filed a status report-cum-affidavit dated 27th November, 2018, but the same is not on record. Registry is directed to tag the same with the paper book. Meanwhile, Shri Ajay Vaidya, learned Senior Additional Advocate General has handed over his own copy and we have gone through its contents. As per the status report:-

(i) Trauma Centre at IGMCH, Shimla: has not become functional as the construction work in new OPD Block is still going on and in a part of the said new Block, the Trauma Centre will be set up. Out of ₹14 Crore received for aforesaid Trauma Centre, only ₹2 Crore have been utilized so far. Let the construction work of new OPD

Block be expedited and process to procure medical equipments be also completed;

(ii) Trauma Centre at Dr. RPGMC, Tanda: It is explained that the funds amounting to ₹1.35 Crore for civil work and ₹5.40 Crore for procurement of medical equipments have been allocated for establishment of Trauma Centre Level-II and accordingly, the drawings of the civil work etc. of the Trauma Centre were submitted for approval to Government of India. Meanwhile, the Union Minister for Health and Family Welfare has made an announcement on 08.04.2017 for the establishment of Level-I Trauma Centre and accordingly, the case for upgradation of Trauma Centre from Level-II to Level-I was forwarded to the Government of India which is still awaiting approval. Obviously, the funds received for Level-II Trauma Centre are lying un-utilized. In such circumstances, we direct the Ministry of Health and Family Welfare, Government of India, to take final decision within one month and communicate it to the State Government. In case the Trauma Centre is upgraded to Level-1, additional funds, as required for such purpose, shall be sanctioned and work be immediately commenced before the next date of hearing.

(iii) Trauma Centre at SLBSGMC, Nerchowk: It is informed that Trauma Centre Level-III was sanctioned for Zonal Hospital, Mandi in the year 2016, which was later on transferred to Nerchowk in the year 2017. The said Trauma Centre is made functional in the new emergency complex of the Hospital w.e.f. 20th October, 2018. The affidavit further reveals that some equipments are yet to be purchased, for which funds are available. Let those equipments be made available immediately but not later than the next date of hearing.

(iv) Trauma Centre at Pt. JLNGMC, Chamba:- A Trauma Centre of Level-III has been sanctioned, for which a sum of ₹2,75,40,000/- was allocated, out of which, a substantial amount of more than ₹2.38 Crore has been spent on the purchase of machinery and equipments to strengthen the emergency facilities. The Trauma Centre appears to be functional and if there is any additional requirement, the official respondent shall ensure to provide additional funds to keep the Trauma Centre functional in every respect.

(v) Trauma Centre at Dr. RKGMC, Hamirpur:- The affidavit reveals that no work for construction of Trauma Centre has started as there is an old building at the approved site and the Deputy Commissioner, Hamirpur, has failed to

carry out demolition of the said building despite several communications, due to which, work for setting up of Trauma Centre is lying standstill.

We direct the Deputy Commissioner, Hamirpur, to demolish the old building, provided there is no stay order from a Court of law and submit a compliance report/affidavit in this regard, failing which he shall remain present in the Court on the next date of hearing. A clear site after removal of the debris be made available and if the drawings for construction of Trauma Centre are available, the construction work be immediately commenced. Compliance report to this effect shall be submitted by Additional Chief Secretary (Health) to the Government of Himachal Pradesh.

(vi) Trauma Centre at MGMSC, Khaneri,(Rampur):- As per the status report, the construction work of the building of the Trauma Centre is under progress and about a sum of ₹51.00 Lac, out of ₹81.00 Lac, has been utilized. Let the ongoing construction work be completed in a time bound manner and if additional funds are required for the purchase of machinery and equipments, let such funds be made available and a compliance report to this effect be submitted in the Court.

There shall be a separate status report on behalf of Additional Chief Secretary (Health), Government of Himachal Pradesh, giving latest status of the above stated Trauma Centres as well as of other Trauma Centres set up or proposed to be set up in the State of Himachal Pradesh. The affidavit shall further explain as to why there is no proposal to set up a Trauma Centre on the National Highway between Parwanoo to Shimla.

Post for hearing on **27th February, 2019.**

**(Surya Kant)
Chief Justice**

**(Ajay Mohan Goel)
Judge**

November 29, 2018.
(narender/YSC)