

27.02.2019 Present: None for the petitioners.

Mr.Rajnish Maniktala, Advocate, for the intervener.

Mr.Ajay Vaidya, Senior Additional Advocate General,
for the respondent-State.

Mr.Balram Sharma, Senior Panel Counsel, for
respondent No.8.

In continuation of the previous order dated 29th November, 2018 with reference to the status of each Trauma Centre, it will be useful to refer to the latest status as contained in the Government affidavit dated 25th February, 2019:-

(i) Trauma Centre at IGMC, Shimla.

It is pointed out in the affidavit-cum-status report that as per the information received from the Principal, IGMC, Shimla two storeys have been earmarked for immediately starting Trauma Centre in the New OPD Block at IGMC, Shimla, which consists of total 14 numbers of storeys and the said Centre is likely to be started in the month of March 2019. It is further informed that the tender for the procurement of machinery and equipments for the concerned departments have been floated within the sealing of 12.00 Crores through e-tender. It is further explained that an additional Block of Trauma Centre is likely to be constructed with the estimated cost of Rs.895.00 lakh adjoining to New OPD Block at IGMC, Shimla and the executing agency in this regard has informed that the

contract of the proposed work has been assigned to the contractor who has further assured to complete the work at the earliest.

Let a further status report be filed immediately on starting of Trauma Centre in New OPD Block at IGMCH, Shimla.

(ii) Trauma Centre at Dr. RPGMC, Tanda

Our order dated 29th November, 2018 took notice of the fact that the Ministry of Health and Family Welfare, Government of India had announced, in principle, to upgrade the Trauma Centre Level-II to Level-I, but the formal approval for such up-gradation was still awaited. A time bound direction was accordingly issued to accord necessary approval and allocate additional funds.

Status report dated 25th February, 2019, filed by the Additional Chief Secretary (Health) to the Government of Himachal Pradesh reveals that no approval to upgrade Level-II to Level-I for Dr. RPGMC, Tanda has been received from the Government of India hence, the State Government has decided to go ahead with construction of Level-II Trauma Centre and for that purpose it has released a sum of Rs.60,61,250/- for undertaking addition and alteration works.

While we find no fault with the action taken by the State Government who was eagerly awaiting upgradation of the Trauma Centre from Level-II to Level-I from the Government of

India and consequential allocation of additional funds, we direct the Ministry of Health and Family Welfare to submit and explain the reasons which have dissuaded it from upgrading the Trauma Centre from Level-II to level-I. However, if on revisiting the whole issue, the Ministry of Health and Family Welfare decides to upgrade it in a public interest, let a prompt decision be taken and communicated to the State Government alongwith allocation of funds. A separate compliance report in this regard shall have to be filed by the Ministry of Health and Family Welfare, failing which this Court will be constrained to take a serious view of the matter.

(iii) Trauma Centre at SLBSGMC, Nerchowk

The latest status report reveals that a total of Rs.2,75,40,000/- was sanctioned for the establishment of Trauma Centre, out of which Rs.1,94,40,000/- is for purchase of machinery and equipments and part thereof has already been spent for purchase of various equipments. The balance amount has been transferred to SLBS Government Medical College, Mandi and the equipments amounting to Rs.1,52,20,018/- have been purchased and installed in the Trauma Centre. The remaining amount will also be used for purchase of more equipments for Trauma Centre as per requirement. It is further informed that the Trauma Centre at above stated place is functional in the new Emergency Complex of the Hospital and

an amount of Rs.81.00 lakhs provided for construction will be utilized for construction of toilet facility in OT at Trauma Centre, for lead sheet in X-Ray room and other necessary additional alteration/facilities. Let the authorities concerned continue with the ongoing project to complete the pending construction and provide the remaining facilities at the aforesaid Trauma Centre.

(iv) Trauma Centre at Pandit JLNGMC, Chamba

The status report reveals that a sum of Rs.2,75,40,000/- was allocated for the establishment of Trauma Centre of Level-III at the above stated hospital. Out of this, a sum of Rs.2,38,52,734/- has been spent for purchasing machinery and equipments and balance amount is still lying unspent. We are informed that Trauma Centre is functional. Let balance amount be utilized for new machinery, equipments or such basic requirements as may be needed for emergency patients.

(v) Trauma Centre at Dr.RKGMC, Hamirpur.

As regard to the Trauma Centre to be set up at Dr.RKGMC, Hamirpur, it is to be noted that this Court, in no uncertain terms, directed the Deputy Commissioner, Hamirpur to demolish the old building where new Trauma Centre is to be constructed and clear the site so that construction work could be started immediately. The latest status report reveals that after almost one and half month of such directions, a joint

inspection was conducted on 03.01.2019 “regarding dismantling of old X-Ray room”. The Deputy Commissioner is said to have informed that the building was safe for “dwelling” though it was required to be dismantled for utilization of such valuable land by constructing multi storeyed structure. The report further reveals that an alternative site in the possession of Health Department has also been identified for the construction of Trauma Centre and its “feasibility study” is currently underway.

We express our complete dissatisfaction with the action or inaction of the authorities in not moving ahead for setting up the Trauma Centre at Hamirpur. If the authorities find that old X-Ray room is so valuable that it is to be kept intact, regardless of the requirement of said site for construction of multi-storeyed Trauma Centre, let the alternative site ,stated to have been identified, be finalized within a period of two weeks and actual construction work of Trauma Centre be started within a period of two months thereafter. In this regard if time period for e-tendering process is required to be shortened, the same shall also be done.

(vi) Trauma Centre at MGMSC, Khaneri (Rampur)

The status report reveals that an amount of Rs.81 lakhs and Rs.1,94,40,000/- have been provided for the construction and purchase of equipments for development of above stated Trauma Centre. The State Government has

accorded Administrative Approval for a sum of Rs.507.73 lakhs for the construction work, out of which the Central Government shall bear a sum of Rs.90 lakhs whereas the remaining amount shall be provided by the State Government. It is further stated that Rs.81.00 Lakhs provided for construction work have already been utilized for construction purpose and additional amount of Rs.66.00 lakhs has been approved for construction work for the current financial year 2018-2019.

Let next status report explaining the time-line within which the construction will be completed and necessary equipments shall be purchased shall be filed. It is made clear that the Trauma Centre has to be developed and made functional in a time bound manner and for such purpose the State Government shall allocate additional funds for completion of construction as well as for purchase of equipments.

So far as the directions contained in our dated 29th November, 2018 re: filing separate status report for the Trauma Centres to be set up or proposed to be set up in the State of Himachal Pradesh, para-3 of the status report unveils that the State Action Plan for Emergency Care is under consideration of the State Government wherein 9 Level-III Trauma Centres in the Health Institutions in different locations on National and State Highways in the State having strength of 100 beds have been proposed. One of such Trauma Centre has been

proposed in CHC, Dharmapur on Parwanoo-Shimla National Highway also. It has been further explained that Administrative Approval under the National Health Mission has been conveyed by the Government of India regarding development of 3 Level-II Trauma Centres at Nalagarh (District Solan), Una (District Una) and Kotkhai (District Shimla). Let the final decision to be taken by the State Government with regard to proposal for setting up of 9 more Trauma Centres be placed on record alongwith next status report. A site plan depicting the location of current and proposed Trauma Centres throughout the State of Himachal Pradesh shall also be produced before the next date of hearing.

List on **23rd April, 2019.**

(Surya Kant)
Chief Justice

(Ajay Mohan Goel)
Judge

February 27, 2019
(vt)