

CWPIL No. 12 of 2014

29.5.2019. Present: None for the petitioners.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Naresh K. Verma, Advocate, for the intervener.

Mr. Ajay Vaidya, Senior Additional Advocate General with Mr. Vikas Rathore, Addl. AG and Mr. Kunal Thakur, Dy. AG and Mr. Sunny Dhatwalia, Asstt. AG, for respondents No. 1,2 and 4 to 7.

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

None for respondent No. 3.

Consequent upon the orders passed on 27.2.2019 the respondent-Union of India and respondent-State have filed the compliance affidavits. Now if coming to the affidavit filed by the respondent-State, the status of various Trauma Centres at different places in the State is as under:

(I) **Trauma Centre at IGMC, Shimla.**

Although nothing has come on record to show that there is ban on construction in the area of new OPD block of IGMC and the site adjoining to it where the additional block of Trauma Centre has been proposed to be constructed, yet till the proposed additional block of the Trauma Centre is constructed, we direct the respondent-State to consider to earmark two floors i.e. ground floor and first floor in the newly constructed OPD block to make the Trauma Centre functional without further loss of time. The left out instruments and tools etc. be also purchased in a time bound manner. The Trauma Centre, however, be made functional by 30th June, 2019 with the tools, instruments and equipments available already purchased and with the

respondent college and hospital. In the meanwhile, all statutory clearances required for approval of the proposed construction be also obtained and in the event of there being any difficulty to do so, to apprise this Court so that appropriate orders can be passed.

(ii) **Trauma Centre at Dr. RPGMC, Tanda**

At Dr. Rajendra Prasad Government Medical College, Tanda Trauma Centre has already been set up in Causality block of the Medical College and Hospital. The work of providing Ramp for the establishment of Level-II Trauma Centre has already been completed. Further work of Level-II Trauma Centre is in the process of being awarded to the Contractor. We hope and trust that the construction work will be awarded to the Contractor in all probabilities by 30th June, 2019 and the completion of the left out work is ensured within three months thereafter i.e. by the end of 30th September, 2019 so that Level-II Trauma Centre can be established/made functional in the said college and hospital by 31st October, 2019. This court be thereafter apprise about the progress made by filing an affidavit in the first week of November, 2019.

As regard the affidavit filed by respondent-Union of India, if not shocking it is painful to point out that despite of the announcement made by Minister of Health and Family Welfare to the Govt. of India at Tanda in the year 2017 to upgrade the Trauma Centre from Level-II to Level-I, the statement so made by the Minister has not been honoured

by the Ministry on the ground that as per the decision taken no Level-I Trauma Centre was sanctioned beyond 12th Five Years Plan.

We now direct the respondent-Union of India to consider the up-gradation of the Trauma Centre at Tanda from Level-II to Level-I in modification/alteration of the decision, if any, taken because such Centres are required in this State comprising of hilly terrain and prone to accidents. The respondent-State is also directed to take up the matter with the Union of India and also to render all kind of assistance required for up-gradation of the Trauma Centres from Level-II to Level-I.

(iii) **Trauma Centre at SLBSGMC, Nerchowk**

The status report do not say anything about utilization of ₹81.00 lacs for construction of toilet facility in OT at Trauma Centre, lead sheet in X-Ray rooms and other necessary additions/alterations/facilities. The respondent-State to disclose utilization of this amount in the affidavit to be filed afresh within four weeks. Though the Trauma Centre in the Medical college at Nerchowk is stated to have been made functional, however, the same has not been shown in the map Annexure R-1 to the affidavit. This aspect be also clarified in the affidavit to be so filed pursuant to this order.

(iv) **Trauma Centre at Pandit JLNGMC, Chamba.**

In Chamba also as per the orders passed on the previous date the Trauma Centre has been made functional. The same also not find mention in the map Annexure R-1. At

the same time the work at Chamba as per the map is under progress. The actual and factual position in this regard be clarified in the affidavit to be so filed afresh within four weeks. The remaining amount be utilized for procuring machinery and equipments and the status qua its utilization be also pointed out in the affidavit.

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

It seems that in view of the enforcement of Model Code of Conduct in the State due to Lok Sabha Election no steps have been taken by the respondent-State pursuant to the orders passed on the previous date. We now direct the respondent-State to ensure the compliance of the order passed on the previous date by 30th June, 2019 and apprise this Court about the progress made in the affidavit to be so filed afresh within four weeks. The respondent may establish Trauma Centre in the ground floor of the proposed new block of the college and hospital, however, at an appropriate stage as and when the construction thereof is complete. However, in view of the establishment of the Trauma Centre cannot be delayed any further, therefore, for the present we hope and trust that the respondent-State shall start the construction either by dismantling the existing old X-ray room or selecting any other site nearby on or before 30th June, 2019.

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

At Khaneri as per the affidavit now filed the work is in progress and the construction work is complete only to

an extent of 15%. It is now directed that atleast 50% work will be completed by 30th June, 2019. The status of the progress made be disclosed in the affidavit to be filed within four weeks.

(vii) **Proposal to set up 9 Level-III Trauma Care Facilities**

The progress made to set up 9 Level-III Trauma Centre to be established in Health Institutions i.e. RH Una, RH Recong Peo, RH Keylong, CHC Dharampur, CH Nurpur, Civil Hospital Nalagarh, CH Jogindernagar, CH Palampur and RH Nahan be ascertained and this court apprised about it by way of filing an affidavit within four weeks.

(viii) **Proposal to set up Trauma Care Facilities on National Highway Parwanoo to Shimla**

As per the status report now filed only land measuring 84 bighas could be identified for establishment of Trauma Care facilities at RH Solan. This Court be apprised about further progress made qua construction of the accommodation required for setting up such facilities in the affidavit to be sworn in pursuant to this order within four weeks.

(ix) **Proposal to set up Trauma Care Facilities through National Health Mission**

We direct the Government of India to release the grant-in-aid to the tune of ₹8.29 crores already sanctioned on completion of codel formalities by the respondent-State within four weeks. The affidavit in compliance be also filed within the same time.

Before parting it is clarified that the affidavit in terms of this order shall be sworn in by the Additional Chief Secretary (Health), to the Government of Himachal Pradesh.

List for further consideration on **15.7.2019**.

Authenticated copy of this order be supplied to learned Senior Additional Advocate General and also learned Assistant Solicitor General of India for compliance.

(Dharam Chand Chaudhary),
Acting Chief Justice.

(Vivek Singh Thakur),
Judge.

May 29, 2019,
(vs)