

Ajay Sipahiya and others vs. State of H.P
and others.

CWPIL No. 12 of 2014

05.12.2024

Present: Ajay Sipahiya in person.

Mr. Bimal Gupta, Senior Advocate with
Mr.Dinkar Bhaskar, Advocate for the
intervener.

Mr. Anup Rattan, Advocate General with
Mr.Rakesh Dhaulta, Addl. A.G and
Ms.Priyanka Chauhan, Dy. A.G for
respondents No.1, 2, 4 to 7.

Mr. Balram Sharma, Dy.SGI with Mr.Rajeev
Sharma, Advocate for respondent No.8.

Ms. M.Sudha Devi, Secretary (Health), Dr. Sita
Thakur, Dr. Brij Sharma, Dr. Sudhir Sharma
and Sh. Chet Singh, Additional DME are also
present in person.

This Court is extremely disturbed by the
deplorable state of affairs regarding the Trauma Centre
at the IGMC and the manner in which the officials of the
State Government have repeatedly, not only attempted,
but unfortunately, taken this Court for a ride.

2. This petition, which was filed more than a
decade back, has been filed for various reliefs, however,
for the time being, we are only concerned with relief (d)
which reads as under:-

*“d) Direct the respondents to provide with requisite
Paramedical staff and necessary medical
equipment at average 10-15 km of completed
stretch on busy roads, black spots and accident
prone points to provide immediate help to accident
victims and to take them to the nearest Trauma
care centre/hospital.”*

3. We are, for the time being, concerned mainly
with the Trauma Centre that was to come up at IGMC,

Shimla. We need not refer to the proceedings of this case date wise, as these have clearly been set out by Mr. Balram Sharma, learned Deputy Solicitor General of India in his report, pursuant to the directions passed by this Court on 20.09.2023, whereby, he was requested to visit the Trauma Centre at IGMCI, Shimla, as also the additional block of Trauma Centre and inform this Court as to whether either of these Trauma Centres or both, are functional or not, and whether or not patients have been provided trauma care therein by the next date of hearing i.e. 17.10.2023.

4. The status report filed by the learned Deputy Solicitor General of India reads as under:-

"1. That above mentioned Public Interest is pending adjudication. In deference to the various orders passed by the Hon'ble Court, the State filed various Status reports before the Hon'ble Court. The extract of the relevant Orders and Status reports filed by the State is given hereunder for the convenience of Lordships:-

A. That five District of Himachal Pradesh were recommended for establishment of Trauma Facilities during 12th Five Year Plan and accordingly on 25th March 2015 a MoU was executed.

B. That so far as establishment of Trauma care facility at IGMCI Shimla is concerned, the matter was taken up with the State of HP for reassessing the feasibility for establishment of Trauma Care Centre in IGMCI Shimla. The State of HP was informed by the Central Government that additional floor space is required for proposed Trauma care facility as per operation guidelines.

C. That on 7th September, 2015 Additional Chief Secretary (Health) filed an affidavit stating therein that, "the space to be vacated on account of the Super Specialty Block and the OPD Block will be used for upgrading casualty and 100 Bed Capacity Trauma Wards."

D. That on 20th March 2017 Principal Secretary (Health) filed an affidavit stating therein that, " Earlier the Cabinet had approved setting up of the Trauma Centre at Shimla but due Indus Hospital to in the subsequent developments, it was approved that it would be more appropriate to setup the Trauma Centre in the new OPD building of the IGMC which construction. In order to achieve objectives the two floor of the building for OPD at IGMC, which is under construction have been sacrificed.

E. That on 18th April, 2017 Principal Secretary (Health) filed an affidavit stating therein that," the trauma Centre at IGMC Hospital at Shimla can only be made operational after the completion of the OPD Building."

F. That on 29th April, 2017 Principal Secretary (Health) filed an affidavit stating therein that, "As recommended by the Government of India, Level -I Trauma Centre is coming up. It has already brought into the kind notice of this Hon'ble Court that this Trauma Centre is going to be housed in two floors of OPD Block, which is under construction.

The Principal IGMC has asked the HOD concerned to give their requirements of machinery and Equipments for operation theaters and intensive care unit in the Trauma Centre. The list of such machinery and equipment's is being finalized by the Principal IGMC. At least 3 months will be required for the installation of machinery and equipment's.

The Location of operation theatre, duty rooms, pre and post-operative rooms, 30 beds ward for Trauma patients has been successfully finalized".

G. That on 05/05/2017 a sum of Rs. 12,60,00,000/- and on 21/02/2017 a sum of Rs. 1,40,00,000/- total a sum of Rs. 14,00,00,000/- was sanctioned by the Government of India for constructions and Equipments.

H. That in deference to order dated 05.11.2018, Additional Chief Secretary (Health), Government of Himachal Pradesh, filed a status report-cum-affidavit on 27th November, 2018. It was stated that Trauma Centre at IGMC, 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. The Hon'ble Court directed to expedite the process to procure medical Equipments construction and work of new OPD Block.

1. That on 25th February, 2019 the another status report was filed wherein it was pointed that 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 was 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 was 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.

J. That on 29th May, 2019, the Hon'ble Court was pleased to pass following orders:-

"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 for approval of the construction be also required proposed obtained and in the event of there being any difficulty apprise this Court so that appropriate orders can be passed."

K. That on 28.06.2021 status report was filed on behalf of the State of Himachal Pradesh mentioning therein that, "Trauma Block is being established in the New OPD Block where two storeys has been earmark for the trauma Centre at IGMC."

L. That on 13th September, 2023 the State filed Status report and reiterated that, "IGMC SHIMLA:- L-I Trauma centre in IGMC Shimla is being established in the New OPD Block where two stories been earmarked for the Trauma Centre at IGMC" AND "M&E :-Rupees 12Crores has been earmark for M&D out of which expended machinery Rs. for 4.79 the Crore has procurement and equipments for been of the Department of Surgery, Orthopaedics, Neuro-Surgery, Radiology & Anaesthesia".

2. That on 20.09.2023 the Hon'ble Court was pleased to direct the undersigned to visit TRAUMA CENTRE, IGMC,

SHIMLA and file status report, the relevant extract of the order is reproduced hereunder for the convenience of Lordships:-

"Mr. Balram Sharma, learned Deputy Solicitor General of India is requested to visit the Trauma Centre at IGMC, Shimla as also the additional block of Trauma Centre and inform this Court as to whether either of these Trauma Centers or both, are functional whether or not been provided or not, and patients have trauma care therein, by the next date of hearing."

3. That in deference to the orders passed by the Hon'ble Court, the undersigned visited TRAUMA CENTRE, IGMC, SHIMLA on 23rd September, 2023, 25th September, 2023, 30th September, 2023 & 16/10/2023.
4. That the undersigned is directed to file a status report in respect of four points, the relevant facts relating to the points are briefly given hereunder :-

A. STATUS OF TRAUMA CENTRE AT IGMC, SHIMLA: IGMC is one of the 6 levels I trauma centers selected in India. Level I Trauma Care facility provides the highest level of definitive and comprehensive care for patients with complex injuries. The Trauma Centre at IGMC, Shimla is not established/functional as per the Operational Guidelines issued by the Government of India (Ministry of Health & Family Welfare), the status of Trauma Centre at IGMC, Shimla is as follows:-

i. The Government of India has prescribed infrastructure, Man Power and Equipments for the Trauma Care facilities (level-wise), and as per the Norms there is acute shortage of infrastructure, Manpower & equipment's the copy of Norms is herewith annexed vide Annexure- SR-1, the relevant extract of the Norms is reproduced hereunder for the convenience of Lordships :-

Sr. No.	Human Resource	Level I	Level II	Level III	Existing status at IGMC and remarks
1.	Neuro Surgeon	4	1	-	4 They are attached with super speciality centre at Chamyana, no dedicated surgeon for Trauma Center.
2.	Radiologist	2	2	-	2 There is a combined list, no dedicated Radiologist for Trauma Center.
3.	Plastic Surgeon	1	-	-	1

					He is attached with super speciality centre at Chamyana, no dedicated surgeon for Trauma Center.
4.	Anaesthetist	6	3	2	6 There is a combined list, no dedicated Anaesthetist for Trauma Center.
5.	Orthopaedic Surgeon	4	3	2	4 There is a combined list, no dedicated Surgeon for Trauma Center.
6.	General Surgeon	6	2	2	6 There is a combined list, no dedicated Surgeon for Trauma Center.
7.	Casualty Medical Officer	30	8	6	5 There is a combined list, no dedicated Medical Officer for Trauma Center.
8.	Staff Nurse (including Trauma Nurse Coordinators)	100	40	24	42 There is a combined list, no dedicated Staff Nurse for Trauma Center.
9.	Nursing Attendant	24	16	13	24 There is a combined list, no dedicated Nursing Attendant for Trauma Center.

10.	OT Technician	10	5	5	10 There is a combined list, no dedicated OT Technician for Trauma Center.
11.	Radiographer	4	4	4	4 There is a combined list, no dedicated Radiographer for Trauma Center
12.	Lab Technician	4	2	2	4 There is a combined list, no dedicated Lab Technician for Trauma Center.
13.	MRI Technician	2	-	-	1 There is a combined list, no dedicated MRI Technician for Trauma Center
14.	Multi Task Worker	40	15	12	40 There is a combined list, no dedicated Multi Task Worker for Trauma Center.
	Total	237	101	73	153

The Surgeons attached with Super Specialty Centre at Chamyana have not been relieved. In case super specialist surgeons are shifted to Chamayan Super speciality Centre then there will be acute shortage of Man power, Neuro Surgeon & Plastic Surgeon at IGMC.

Difference between an emergency department and a Trauma Centre is both a matter of law and matter of degree. The Casualty, Trauma Ward, Emergency O.T & Emergency Department are running in the same floor

under the Emergency Department Annexure SR-2. Minor to severe medical emergencies and critically injured are being provided care simultaneously which is evident vide Annexure SR-3. The IGMC has maintained the list of manpower, vide Annexure SR-4, in the existing casualty/ Trauma/EMD (Old Building), the relevant extract of the list is reproduced hereunder for the convenience of Lordships:-

MANPOWER IN THE EXISTING CASULTY/TRAUMA/EMD (OLD BUILDING) IGMC, SHIMLA		
Casulty+Trauma Ward:		
1.	Ward Sinster	2
2.	Staff Nurses	9
3.	Class-IV	4
4.	Safai Karamchari	4
5.	Security Guard	4
Emergency O.T. Staff:		
1.	Ward Sister	2
2.	Staff Nurses	6
3.	O.T.A.	4
4.	Class-IV	4
5.	Packers	3
6.	Safai Karamchari	3
Emergency Department:		
1.	Casualty Medical Officer	7
2.	Ward Sister	3
3.	Staff Nurses	20
4.	Class-IV	8
5.	Dresser	1
6.	Security Guard	6
7.	Safai Karamchari	6
8.	Female Health Worker	1
9.	Plaster Assistant	0
10.	ECG Technician	5
ABSTRACT		
1.	Casualty Medical Officer	7
2.	Ward Sister	7
3.	Staff Nurses	35
4.	ECG Technician	5
5.	Female Health Worker	1
6.	O.T.A.	4
7.	Dresser	1
8.	Packers	3
9.	Class-IV	16
10.	Security Guard	10
11.	Safai Karamchari	13
Total		102

The State of Himachal Pradesh created 81 posts for faculty members/ paramedical staff/ nursing staff vide

Notification No. HFW-B(B)1-3/2021, dated 17.06.2021. The Principal IGMC wrote a letter to the State for creation of 256 posts of Additional Staff requirement vide office letter HFW (MC) B(1)/86/8131-32, dated 01.05.2023, vide Annexure SR-5, and out of which Govt. of H.P. has created the 120 posts of various categories for Trauma Centre vide notification dated 05.08.2023 which is evident vide Annexure SR-6 and rest of the additional manpower will be hired on outsource basis through authorized service provider after completion of all codal formalities which is evident vide Annexure SR-7. The Principal in her letter dated 01.05.2023 vide Annexure SR-5 has categorically stated that, "in addition to above, it is worthwhile to submit here that the above requirement is over and above the wer created in the Trauma available man power Centre in this Institution and the deptt. is already running under gross shortage of manpower, as such, these additional posts are essentially required to be created in order to fully operational the services of Level-I Trauma Centre and Emergency (100 bedded) at IGMC, Shimla for better patient care in larger public interest please."

ii. The Hospital is Capable of providing the full spectrum of care for the most critically injured patient, from initial reception and resuscitation through to discharge and rehabilitation. The Hospital is providing services of all specialties Mother and child, (orthopedic surgery, neurosurgery, anesthesiology, emergency medicine, radiology, internal medicine, reconstructive surgery, oral and maxillofacial, paediatric and critical care) associated with emergency care.

iii. Since the inception of Trauma Facilities in the 12th Five Year Plan, the State of HP has been informed by the Central Government that additional floor space is required for proposed Trauma care facility as per operation guidelines. The consistent view of the State is that a separate Trauma Centre is to be established. The State also assured that Trauma Centre will be established in two floor of the New OPD Building and can only be made operational after the completion of the OPD Building. The Hon'ble Court was also pleased to direct the respondent-State to consider to earmarking of two floors i.e. ground floor and first floor in the newly constructed OPD block to make the Trauma Centre functional by 30th June, 2019. On September, 2023 the State has filed affidavit wherein it has reiterated that Trauma Block is being established in the New OPD Block where two storeys has been earmark for the trauma Centre at IGMC.

B. STATUS OF ADDITIONAL BLOCK OF TRAUMA CENTRE:- L-1 Trauma Centre in IGMC has been constructed in the New OPD Block and two stories has been earmarked for the Trauma Centre. An Additional

Block of Trauma Centre has been constructed adjoining to New OPD Block at IGMHC, Shimla. Construction has been done but internal work of the buildings is incomplete which is evident vide Annexure SR-8. The internal drawings of the Building are being changed. Despite the assurance given by the State and directions given by the Hon'ble Court to make the Trauma Center functional by June 30, 2019, the Trauma Center has not been made functional. To make Trauma Centre Functional, the following issues are need to be resolved:-

i. ACQUISITION OF PRIVATE LAND: - There is a civil dispute pertaining to passage connecting the New Building from the main Highways and accordingly the private land of Sh. Sunil Kumar bearing Khasra No 591/2, 591/4, and 1551/3 is required to be acquired. The matter is pending with the State of Himachal Pradesh which is evident vide Annexure SR-9.

ii. NEW OPD BLOCK INCLUDING TRAUMA BLOCK AT IGMHC HAS NOT BEEN HANDED OVER BY THE HPPWD TO THE IGMHC : The principal IGMHC has written letter dated 23.06.2023, 21.07.2023 & 25.07.2023 (which is evident vide Annexure SR-10, 11 & 12) to the Executive Engineer Division No.-III for handing over the New OPD Block including Trauma Block at IGMHC but the same has not been handed over till date which is also evident vide letter dated 11.04.2023, 10.08.2023 & 17.08.2023 herewith annexed as Annexure SR-13, 14 & 15, the relevant extract of the letter is reproduced hereunder for the convenience of Lordships:-

"It is a surprising fact that your office has construed the building without to be handed the NOCs/Statutory over relevant Compliances & without completion of all the codal formalities. This is not expected from a reputed and one of the largest executing agency of the State.

Moreover, it is brought to your kind notice that in view of the Minutes regarding of the meeting Annual Maintenance Agreement for five years of Trauma Block and New OPD Block IGMHC, Shimla Specialty Block and Super at Chamiana Shimla held on 26.05.2023 at 3:00 P.M under the Chairmanship of Special Secretary (Health) to the Govt. of H.P. where Assistant Engineer, HPPWD apprised that New OPD Block including Trauma, IGMHC Shimla has been handed over to the IGMHC authorities whereas, there is no record of handing over or taking over the buildings in this Institution by Sr. M.S. IGMHC & Hospital."

iii. APPROVAL OF BUILDING REQUIRED: - Approval of drawing for the New OPD Block including Trauma

Block is required to be obtained from the Municipal Corporation Shimla.

iv. NOC FROM FIRE DEPARTMENT REQUIRED: - The fire department has also not give NOC which is required for final approval of the Building plan from MC Shimla.

v. REQUIREMENTS OF MACHINERY AND EQUIPMENTS: - Despite the assurance given by the State and directions given by the Hon'ble Court to purchase left out instruments and tools etc. in a time bound manner and made Trauma Centre functional by 30th June 2019, the Machinery & Equipments have not been purchased and installed. IGMC has also sent requirement of furniture and Machinery & Equipments including installation of Oxygen supply for Trauma Centre, which is evident vide Annexure SR-16 & 17.

vi. COMMON ROAD: There is a common route for OPD parking and Trauma Centre, which will create a traffic hazard which is evident vide Annexure SR-18. The route is in a cold area and hence requires the use of road covering and anti-slip materials which is evident vide Annexure SR-19. There is a deep bend in the road, which needs to be widened which is evident vide Annexure SR-20. There is a seasonal stream that needs to be channelized which is evident vide Annexure SR-21. The trauma center is located on the busiest road which is evident vide Annexure SR-22 and requires a traffic management plan to control the traffic so that prompt medical care can be provided to the patient.

vii. ACUTE SHORTAGE OF MAN POWER:- The Principal IGMC in her letter dated 01.05.2023 vide Annexure SR-5 has categorically stated that, "in addition to above, it is worthwhile to submit here that the above requirement is over and above the available man power created in the Trauma Centre in this Institution and the deptt. is already running under gross shortage of manpower, as such, these additional posts are essentially required to be created in order to fully operational the services of Level-I Trauma Centre and Emergency (100 bedded) at IGMC, Shimla for better patient care in larger public interest please." It is pertinent to mention here that earlier the Casualty, Trauma Ward, Emergency O.T & Emergency Department were running in the same floor under Emergency Department and now facilities are arranged floor wise in ten floors. There is requirement of earmarked staff for Trauma Centre. Since trauma care facilities provides highest level of definitive and comprehensive care for patients and in order to strengthen and streamline the Hospital Services and Operations, Trained and Qualified Hospital Administrators are the need of the hour. In accordance with the pattern of premier autonomous institutes like

AIIMS New Delhi and PGIMER Chandigarh, Trauma Centre at IGMCM should have Trained and Qualified Hospital Administrators (Subject Matter Experts). They should not be transferred for at least five years and should be replaced by Trained Staff.

C. WHETHER OR NOT PATIENTS HAVE BEEN PROVIDED TRAUMA CARE THEREIN: - The Hospital is providing the full spectrum of care for the most critically injured patient, from initial reception and resuscitation through to discharge and rehabilitation. The Hospital is providing services of all specialties Mother and child, (orthopedic surgery, neurosurgery, anesthesiology, emergency medicine, radiology, internal medicine, reconstructive surgery, oral and maxillofacial, paediatric and critical care) associated with emergency care. The Hospital is not fulfilling the criteria fixed for Trauma Centre Level I. There is acute shortage of infrastructure, Manpower & equipment's.

D. WHETHER EITHER OF THESE TRAUMA CENTERS OR BOTH, ARE FUNCTIONAL OR NOT: - There is no dedicated Trauma Centre in IGMCM. The Casualty, Trauma Ward, Emergency O.T & Emergency Department are running in the same floor under the Emergency Department in Old Building. Minor to severe medical emergencies and critically injured are being provided care simultaneously. Although L-1 Trauma Centre has been constructed in the new OPD block at IGMCM and additional block of Trauma Center has also been constructed, but they are not functional."

5. Taking note of the aforesaid report, this Court vide order dated 17.10.2023 observed as under:-

"Report of learned Deputy Solicitor General of India is placed on record. The said report controverts most of statements made in the reply filed by the respondents-State including the fact that the Trauma Centre is functioning in IGMCM, Shimla. Learned Advocate General shall look into the said report and respond by the next date of hearing. Learned Advocate General shall state about the Trauma Centers at Pandit JLNIGMC, Chamba and Dr. RPNIGMC, Tanda, on which information was sought by this Court on 20.09.2023. List on 17.11.2023."

6. When the case came up for consideration on 20.05.2024, Mr. Rajneesh Maniktala, learned Senior Advocate with Mr. Dinkar Bhaskar, Advocate appeared

for the intervener and this Court passed the following order:-

Perused the status report dt. 23.12.2023 filed by the State Government and the report of the learned Deputy Solicitor General dt. 17.10.2023.

2. *Learned Senior Counsel appearing for the Intervener, after having perused both the reports, has placed on record following points: -*

1. There are two trauma centers being established one in two floors of new OPD building and second an additional block of trauma center.

2. This Hon'ble Court directed vide its order dated 29.5.2019 that two storeys in OPD Block earmarked for trauma center be made functional by 30.6.2019.

3. Both the trauma centers have not been handed over to IGMC by HPPWD-Pg 14 DSGI Report.

4. Chief Minister inaugurated the Additional Trauma Block on 9.3.2023 despite not being functional, which is not even in sight in near future.

5. At present, there is no dedicated trauma center in IGMC. The Casualty, Trauma Ward, Emergency OT and Emergency Department are running from one floor in Old IGMC Building - Pg 18 Point D DSGI Report.

6. Municipal Corporation has not given approval to both the buildings in which trauma centers are to be housed - Pg 15 DSGI Report. As per State's affidavit, there are shortcomings in the building and MC has referred the matter back to HPPWD for their removal in October 2023.

7. Fire Department has not given NOC for the buildings - Pg 16 DSGI Report.

8. For the purposes of connecting the trauma centers with main highway, private land is required to be acquired, for which public hearing was scheduled for 28.11.2023. Page 14 DSGI Report, page 4 State affidavit.

9. Machinery and equipment for trauma centers have not been purchased despite sending of requirement by IGMC to State - Pg 16 DSGI Report point (v). State does not say anything about such purchase than stating that requirement has been received in August 2023 Pg 5, point d of State affidavit.

10. Trauma center needs to have dedicated staff as per the norms, which is lacking. Pg 8, 17 DSGI Report.”

3. He also made the following suggestions: -

“It is apparent that the files keep on jumping from one office to another without there being time bound results. It is important that the Chief Secretary calls all stake holders in his office, who shall report to him in time bound frame on action taken with respect to aforesaid points. The Chief Secretary shall then report to this Hon'ble Court with respect to steps undertaken, proposed time frame for job completion and keeping a tab on different departments for reporting back to him.”

4. We may also point out that in this status report filed by the State on 23.12.2023, they merely mentioned about construction of the blocks of the Trauma Centers, earmarking of budget for procurement of machinery and equipment, creation of the post of faculty members, para-medical staff and nursing staff, but the report does not say whether any machinery or equipment has been procured or not, and how many posts of faculty members, para-medical staff and nursing staff have actually been filled up to make the buildings functional.

5. In fact, it is clear that the Trauma Center in Indira Gandhi Medical College and Hospital, Shimla is not functional, though it had been inaugurated by the Hon'ble Chief Minister on 09.03.2023.

6. It appears that the files are being pushed from one desk to another, but nothing concrete to make the Trauma Center functional, and deal with the points pointed out by the learned Deputy Solicitor General of India in his report, has been done.

7. The status of the Trauma Centers in other medical colleges, indicated in the status report dt. 23.12.2023, is also that they are not functional either because the construction work is not complete, machinery & equipment is not procured or vacant posts of faculty members, para-medical staff and nursing staff are not being filled up.

8. We are distressed to note that the State is showing very little interest in improving the medical infrastructure in the State, particularly with regard to Trauma Centers in the important hospitals and medical colleges within the State located at Shimla, Tanda and Chamba.

9. We, therefore, direct the Chief Secretary, State of Himachal Pradesh (respondent no.1) to call a meeting of the heads of the departments involved including the Health Department, the Finance Department, the PWD Department, the Fire Safety Department, have a discussion, and direct them to create a time bound frame for job completion. He shall then file a report in this Court as to the steps initiated to make the Trauma Centers in three medical colleges/hospitals operational within the shortest possible time.

10. For filing the status report by the Chief Secretary, State of Himachal Pradesh, list on 19.06.2024.”

7. Prior to that, even though this Court vide order dated 17.10.2023 had called upon the State to furnish the status of the Trauma Centres at Chamba and Tanda. However, an affidavit was filed by the Special Secretary (Health) which dealt with the Trauma Centre at IGMC, Shimla. It is apt to reproduce the relevant averments as contained in paras 1(i) to 1(vi) (d) which read as under:-

“1. That the above cited CWPIL was listed before this Hon'ble Court on 17-10-2023 when this Hon'ble Court was pleased to direct the respondents to file fresh Status Report in the STFC matter. It is further submitted that the respondent State has recently obtained the latest position with regard to establishment of trauma centre within the State. The detail of which is as under:-

Indira Gandhi Medical College & Hospital Shimla
Trauma level-I

i) L-1 Trauma Centre in IGMC Shimla has been constructed in the New OPD Block where two stories been earmarked for the Trauma Centre at IGMC. A sum of Rs. 14.00 Crore has been sanctioned by the Centre Govt. in the sharing pattern of 90:10 between Centre and State respectively. The Government of India has released its share of Rs.12,60,000/- and State Government has also released its matching share of Rs. 1,40,00,000/-.

ii). An additional Block of Trauma Centre has been constructed adjoining to the New OPD Block with the

revised A/A & ES of amounting Rs.3090.92 Lakh has accorded by the Govt. on dated 07.08.2021 as per the revised estimate of HPPWD.

iii) M&E: Rs. 12.00 Crore has been earmarked for M&F out of which Rs.5.11 Cr has been expended for the procurement of Machinery and Equipments for the Department of Surgery, Orthopedic, Neuro-Surgery, Radiology and Anesthesia.

iv) The construction work of Trauma Block has been completed and inaugurated by the Hon'ble Chief Minister, HP on 09.03.2023.

v) The Govt. of H.P has created the 81 post for faculty members/paramedical staff/nursing staff vide notification dated 17-06-2023 for Trauma Centre and Emergency medicine Department. Additional staff requirement has also been sent to the Government vide office letter dated 01-05-2023, out of which the Government of Himachal Pradesh has created the 120 posts of various categories for Trauma Centre vide notification dated 05-08-2023. Further, the Government has accorded approval for hiring the 213 posts of deferent categories on outsource basis in the Trauma center and Tertiary Center Care Centre which includes EMD and Casualty (100 Bedded) at IGMCH, Shimla. In this behalf, this Institution has taken up this matter with the Government to issue the necessary direction/clarification as to whether the payment on account of the outsourcing services of the Government 213 posts of different categories be made under Demand No. 9 vide this office letter dated 09-11-2023.

vi) To make this building fully functional, the following issues are need to be resolved:-

(a) Acquisition of private land Sh. Sunil Kumar bearing Khasra No. 591/2, 591/4 and 1551/3 which is immediately required to complete the project. The funds to the tune of Rs. 5,95,003/-has already been deposited by this office to start the process for the acquisition vide letter dated 21-07-2023 and the notification has been done by the Government vide letter dated 25-08-2023 to notify the Social Impact Assessment Unit to Carry out Social Impact Assessment Study of the purpose of Land Acquisition for C/o new OPD including Trauma Building. Further, Social Impact Assessment Unit, HIPA has intimated that Social Responsibility (SR Asia) will carry out the above Social Impact Assessment as per the aforesaid Government notification. In reference of the above, Member Secretary (AIAU)-cum Joint Secretary (Rev.) to the Government of H.P. has submitted the report vide letter dated 04-10-2023. In view of the O/o the Sub-Divisional Magistrate Shimla (Urban) District Shimla vide letter dated 31-10-2023 vide which it has been

intimated that public hearing in respect of the New OPD Block including Trauma Block bearing Khasra No.691/2, 591/4 and 1551/3 measuring 1053 Sq. Mtrs situated at Revenue Mohal Lakkar Bazar Shimla is proposed to be held on 28-11-2023 at Committee Room IGMC, Shimla.

(b) Approval of the drawing for the New OPD Block including Trauma Block is also required for which NOC from the Fire Department required to be submitted to the office of the Municipal Corporation for the final approval for the drawing and matter has already been taken up with the Executive Engineer (Civil) HPPWD to submit the NOC vide this office letter dated 21-07-2023 and letter dated 05-08-2023 & Medical Superintendent, IGH has directed to coordinate with HPPWD. Further, Municipal Corporation has pointed out the short coming on the completion plan of the drawing of New OPD Block and sent back to the Assistant Engineer (Civil) HPPWD to attend the shortcoming of documents and drawings vide letter dated 08-10-2023.

(c) The requirement of furniture for trauma centre has been sent to the Himachal Pradesh Medical Services Corporation Ltd vide letter dated 02-08- 2023 as notified by the Government (State Procurement Agency) for the Medical Colleges.

(d) Further, additional requirement/approval of Machinery and Equipments for Anesthesia Department has been sent to the Government vide letter dated 05-08-2023.”

8. This Court vide order dated 10.09.2024 directed the State to file the status of completion of trauma care facilities in IGMC, Shimla.

9. In compliance to the aforesaid order, the Special Secretary (Health) has filed his affidavit, para 4 whereof, reads as under:-

“4. To Point wise status in respect of functioning of Trauma Centre Level-I at IGMC, Shimla is as under:-

(i) Establishment of Level-I Trauma Centre at IGMC, Shimla:-

*That Level-1 Trauma Centre has been established in IGMC in a separate block of Trauma Block with the total cost of Rs. 4290.90 Lakh **(which includes Rs.***

3090.90 Lakh for civil work and Rs. 1200.00 Lakh for procurement of Machinery and Equipments) and made functional/operational w.e.f 09.10.2024 after obtaining the Fire NOC from the Fire Department on dated 09.09.2024 for the buildings of New OPD Block and Trauma Block. Trauma Block/Emergency Medicine department providing the facilities such as Triage and Emergency & resuscitation, Indoor beds for Ortho, Surgery, Neuro Surgery & Surgical allied, Emergency Medicine/ Medicine and allied, High Density Unit (HDU), Emergency Operation Theatre/Minor Operation Theatre, Plaster room, CT Scan, X-ray, Ultra Sound, ECG, Sample Collection Centre etc. for the welfare of the patient care in this Trauma Block.

(ii) Machinery & Equipments:-

That, in this regard the Director Medical Education & Research-HP has informed that Rs. 1200.00 Lakh has been earmarked for the procurement of M & E, out of which Machinery & Equipment including OT Tables/Lights amounting to Rs.780.00 Lakh has been procured for Trauma Centre and the same has been installed in the concerned departments of L-1 Trauma Centre. Further, it has also been informed by the Directorate of Medical Education & Research-HP that the supply orders for the procurement of Central ICU Monitoring system have been issued on dated 06.07.2024 and delivery is expected by the end month of October, 2024 and supply orders for the procurement of OT Table (Surgery), Portable ultrasound and Multi-para Monitors have also been issued on dated 28.09.2024 and delivery is expected within 16 weeks as the equipment is to be imported from the foreign country. Moreover, 4 Nos of ICU ventilators are in the process of being shifted from Pt. JLN GMC, Chamba to Level-I Trauma Centre at IGMC, Shimla.

(iii) Manpower:-

That in this regard the following is the status of sanctioned faculty posts/Senior Residents and Casualty Medical Officers for Level-I Trauma Centre at IGMC, Shimla:-

Sr. No.	Name of post	Department/Speciality & No. of posts	Created on	Status
1.	Professor	Ortopaedics-1	17.06.2021	Filled
		Surgery-1	17.06.2021	Filled
2.	Associate Professor	Orthopaedics-1	17.06.2021	Filled
		Anaesthesia-1	17.06.2021	Filled
3.	Assistant Professor	Orthopaedics-2	17.06.2021	Filled
		Anaesthesia-2	17.06.2021	Filled
		Surgery-1	17.06.2021	This post falls under direct quota and UR (Ex) roster

				published one time by HPPSC and no recommendations have been received due to non-availability of suitable candidate. However, it is lying vacant and proposal to fill up the same is under consideration.	
		Neurosurgery -1	17.06.2021	filled	
		E.N.T – 1	18.04.2022	filled	
			In-position	Vacant	
4.	Senior Resident	Orthopaedics-2	17.06.2021	00	02
		Anaesthesia-4	17.06.2021	02	02
		Surgery2+2=4	17.06.2021 & 05.08.2023	02	02
		Neurosurgery-02	05.08.2023	00	02
		Radiology-2	05.08.2023	01	01
		Plastic Surgery-1	05.08.2023	00	01
5.	Casualty Medical Officer	Trauma-30	05.08.2023	It is pertinent to mention here that the posting orders of 29 Medical officers/Medical Officers Specialists working in different specialties/departments at IGM, Shimla as Casualty Medical Officer in Level-I, Trauma Center, IGM, Shimla have been issued out of which, 26 Medical officers have joined as Casualty Medical Officers in Level-I Trauma Centre till now.	

Besides above, it is also submitted that IGM, Shimla has issued advertisement for filling up the vacant post of Senior Resident i.e. 2 posts of Senior Resident in the department of Neurosurgery and one post in the department of Plastic Surgery in the Trauma Centre on dated 27.08.2024 and interview of these posts was held on 16.10.2024 but no candidate has/have appeared in the interview. It is further submitted here that the posts of Senior Residents are filled up as per Resident Doctor's Policy three times in a year for three years tenure.

Furthermore, 25 Security Guards are in position to secure the Trauma Block and 10 additional Security Guards will also be hired for Trauma Centre. Besides this, it is also submitted that IGMC, Shimla has already requested to the General Manager, HPSEDC, Shimla to provide manpower of 178 on outsource basis of different categories vide letter dated 27.08.2024 (Annexure-C), but the same have not been provided as yet by the HPSEDC, Shimla. The status of other sanctioned posts in respect of Level-1 Trauma Centre, IGMC, Shimla as provided by the Director Health Services, HP is annexed as Annexure-D and in this regard the Director Medical Education & Research, HP and Principal, IGMC Shimla has been requested on 26- 10-2024 to initiate immediate necessary action with the Directorate of Health Services, HP for filling up of various posts and posting/deploying the concerned staff (i.e. Staff Nurses and JOA-IT) against vacancies for Trauma Level-1 Centre at IGMC, Shimla (Annexure- E).”

10. Thereafter, the Secretary (Health) in compliance to orders dated 29.10.2024 and 12.11.2024 filed her personal affidavit, the relevant portion whereof reads as under:-

1	Professor	Ortho01	1	0	
		General Surgery-1	1		
		Total=2	Total 2		
2	Associate Professor	Ortho-1	1	0	
		Anesthesia-1	1		
		Total=2	Total 2		
3		Ortho-2	2		One post of Assistant Professor (General Surgery) falling under direct recruitment quota and UR (Ex) roster point has been advertised by HPPSC and no recommendations have received due to non-availability of suitable candidate. The post at present is lying vacant and is under submission to the Finance Department for filling up again. have received due to non-availability of suitable candidate. The post at present is lying vacant and is under submission to the Finance Department for filling up again.
		Anesthesia-2	2		
		General Surgery-1	0		
		Neurosurgery-1	1		
		Total=6	Total=5		
4.	Senior Resident	Ortho-2	0	2	In this regard the Director Medical Education &

		Anesthesia-4	2	2	\Research, HP has informed that no candidate for the posts of Senior Resident in the department of Anesthesia=2, Orthopedics=2, Radiology=1 and Suregery=2 have applied/appeared as per advertisement dated 24.06.2024 and 16.08.2024. Besides this, 2 posts of Senior Resident in the department of Neurosurgery and one post in the department ofr Plalstic Surgery in the Trauma centre are also vacant as no candidate has applied/appeared for the said posts during the interview held on 16.10.2024. Further directions from Government has also been issued on 13.11.2024 to the Director Medical Education HP and Principal concerned to take immediate necessary steps for filling up of these vacancies.
		Genersal Surgery-4	2	2	
		Radiology-2	1	1	
		Plastic Surgery-1	0	1	
		Neuroslurgery-2	0	2	
		Total=15	Total=5	Total=10	
5.	Casualty Medical Officer	30	26	04	It is pertinent to mention here that the posting orders of 29 Medical Officers/Medical Officer (Specialist) working in different specialities/departments at IGMC, Shimla as Casualty Medical Officer in Level-1 Trauma Centre, IGMC , Shimla have been issued out of which 26 MOs have joined as Casualty Medical Officers in Level-1 Trauma Centre. The Government has sought details of the concerned Medical Officers who have not joined vide letter dated 13.11.2024 so that the necessary action is taken in respect of these posts.
6.	Matron	2	2	0	One post is filled up by way of specific order by the DHS, HP whereas one surplus matron is been treated as adjusted against sanctioned post as per information received from the M.S.IGH on dated 28.04.2024.
7.	Physiotherapist	4	0	4	In this regard, it is submitted that requisitions of three (3) posts are pending with concerned recruiting agency, i.e. HPPSC Shimla & PWD Cell.
8.	Ward Sister	10	0	10	These posts are being filled-up by promotion. 13 Staff Nurses

					have been proposed for promotion as ward Sister at Trauma Centre/IGMC, Shimla.
9.	Staff Nurse	110	0	110	In this regard, it is submitted that 60 Staff Nurses have joined as deployment basis from AIMSS Chamiana Shimla to IGMC , Shimla during August, 2023 for EMD/Trauma Centre, IGMC, Shimla out of which 6 have left the Institution due to transfer/resignation. However, as per report submitted by the DHS, HP all the sanctioned (11) posts at Trauma Centre IGMC, Shimla has already been filled up by the Department from time to time. It is also submitted that requisition for filling up of vacant posts of 70 Staff Nurses is being sent to the recruiting agency very soon by the DHS. It is pertinent to mention here that the Director Medical Education & Research, HP has been requested on 26.10.2024 to initiate immediate necessary action with the Directorate of Health Services, H.P. for filling up of various posts and posting/deploying the concerned staff (i.e. Staff Nurses and JOA-IT) against vacancies for Trauma Level-1 Centre at IGMC, Shimla. Besides separate directions also stands conveyed to the Director Medical Education & Research-HP/Principal concerned vide letter dated 18.11.2024 to fulfill the requirement of Staff Nurses Level-1, Trauma Centre, IGMC, Shimla against the sanctioned posts of Staff Nurses for Trauma Centre by internalizing the same from the existing strength of staff nurses in IGMC, Shimla.
10.	Radiographer	4	3	1	As per report submitted by the DHS, HP, the requisition for 23 posts is lying pending with concerned recruiting agency.
11.	Junior Office Assistant (IT)	2	0	2	The process for filling up of these two posts is under consideration of the Director Health Services, HP.
12	OTA	10	1	9	The requisition of 216 posts are lying pending with concerned recruiting agencies i.e. HPSSC, YSS Cell, Ex. Men Cell.
13	Senior Assistant cum-Store	1	1	0	Already filled up.

	Keeper				
14	Dietitian	1	0	1	Draft R & P Rules of Dietitian were sent to the Government and Government where after it has expressed its inability to conlcur in the departmental proposal with the stipulation that the posts which are lying vacant for the last 2 or more yeaqrs required to be abolished as per FDI instrutctions dated 124.08.2012, conveyed by the Government pm dated 06.07.2023 to DHS.
15	Plaster Assistant	2	2	0	Already filled up

Furthermore, 25 Security Guards are in position to secure the Trauma Block and 10 additional Security Guards will also be hired for Trauma Centre. Besides this, it is also submitted that IGMC, Shimla has already requested to the General Manager, HPSEDC, Shimla to provide the Manpower on outsource basis of 178 different categories immediately letter dated 27.08.2024 and 5.11.2024 (Annexure-R-I), but the same have not been provided as yet by the HPSEDC, Shimla.

It is pertinent to mention here that the Trauma Centre Level-I at IGMC, Shimla has been made functional/operational w.e.f 09.10.2024 and directions on 11.11.2024 (Annexure-R-II) has been issued to the Director Medical Education & Research-HP that the Principal concerned/HODs and respective In-charges at IGMC, Shimla are to ensure smooth and uninterrupted functioning of health services in Trauma Centre, IGMC, Shimla by deploying the faculty members/Resident Doctors and other ancillary staff for Trauma Centre. IGMC, Shimla strictly as per sanctioned strength against the posts. Further it is also clarified here that no specific faculty appointed is particularly earmarked solely for services in the Trauma Centre at IGMC, Shimla and no faculty member will be exempted from duties in Trauma Centre, IGMC, Shimla. Therefore, in order to ensure smooth functioning of health services in Trauma Centre, IGMC, Shimla it has been directed that both the Principals i.e. IGMC, Shimla and AIMSS Chamiana (Shimla) to deploy the faculty members for Trauma Centre, IGMC, Shimla strictly as per sanctioned strength of faculty members of respective specialty on rotation basis except HOD of the respective specialty/Super-specialty and deployment rotation roster/ register may also be maintained for this deployment. Further as intimated by the Director Health Services, HP that all the sanctioned posts of staff nurses for Trauma Centre Level-1, IGMC, Shimla stands filled up from time to time as such it is also to

be ensured by the Principal concerned/Medical Superintendent/ In-charge concerned that the staff nurses be deployed against the sanctioned posts reserved for Trauma Centre as the same has been made operational now. Besides deployment of other ancillary staff for Trauma Centre, IGMC, Shimla also be ensured by the concerned.”

11. However, when the case came up for consideration before this Court on 03.12.2024, the respondents were not in a position to explain the details of the staff that have been posted in the Trauma Centre and accordingly, we directed the Principal Secretary (Health), Principal IGMC Shimla and Director of Medical Education to personally remain present before this Court.

12. We have now been provided the relevant data regarding the staff that is actually available in the Trauma Centre, IGMC, Shimla, the details whereof are set out hereunder in a tabulated form:-

Sr.No.	Human Resource	Manpower required as per norms for level-Trauma Centre	Sanctioned	In position
1.	Neuro Surgeon	4	3	1
2.	Radioligist	2	2	1
3.	Plastic Surgeon	1	1	0
4.	Anaesthetist	6	7	5
5.	Orthopaedic	4	6	4
6.	General Surgeon	6	6	3
7.	Casualty Medical Officer	30	30	26

8.	Staff Nurse (Including Trauma Nurse Coordinators	100	110	0
9.	Nursing attendant	24	No data	/
10.	OT Technician	10	10	1
11.	Radiographer	4	4	3
12.	Lab Technician	4	No data	/
13.	MRI Technician	2	No data	/
14.	Multi-task worker	40	No data	/
	Total	237	179	44

13. The aforesaid vacancies disclose a very sorry and sordid state of affairs prevailing in the IGMC Trauma Centre.

14. The Principal Secretary (Health) has assured that as regards the nursing staff and the para medical staff, the same shall be filled up latest by 31st January, 2025, while the remaining staff shall be filled up by 31st March, 2025. Her statement is taken on record.

15. In order to monitor the action of the State, list the matter on 2nd January, 2025, by which date, status report shall be filed by the Principal Secretary (Health).

16. We are informed at the Bar that the total strength of the ministerial staff has been reduced to 30%, and that of the nursing staff to less than 50% in the IGMC, Shimla. This is a wake-up call for the Government as it is clearly exploiting its ministerial staff as well as nursing staff. We hope and trust that by the next date of

hearing, effective steps to fill-up these functional posts shall be initiated and resorted to by the respondents.

17. Likewise, we also hope and trust that necessary machinery and equipments like a new MRI machine and PET scan machine for the Cancer hospital shall also be procured by the next date of hearing.

(Tarlok Singh Chauhan)
Acting Chief Justice

December 05, 2024
(naveen)

(Satyen Vaidya)
Judge