

(2001) 04 JH CK 0025
In the Jharkhand High Court
Case No : CWJC No. 420 of 2001

Citizens' cause

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-04-2001

Acts Referred:

Citation : AIR 2001 Jhar 68

Hon'ble Judges : Vinod Kumar Gupta, C.J;A.K. Prasad, J

Bench : Division Bench

Advocate : Rajesh Kumar, for the Appellant; M.M. Banerjee, A. Sen, Vijoy Pratap Singh, P.K. Prasad, T. Kabiraj, S.B. Gadodia and B.B. Sinha, for the Respondent

Judgement

1. Pursuant to our order dated 3.4.2001, affidavit has been filed by the Secretary, Energy Department, Government of Jharkhand, wherein it has been stated that the Government of Jharkhand has decided to replace all the lifts in the hospital, which have "gone beyond repairs". Details have been given in this affidavit about the arrangements being finalised with a manufacturer OTIS ELEVATOR COMPANY (INDIA) LTD. According to the affidavit, this Company requires about 52 weeks for installation of the lifts even though the Government of Jharkhand has requested the company for making at least two lifts functional within two months from today. In Paragraph 5 of the affidavit, the deponent has also stated that the Health Department has been approached for releasing atleast an amount of Rs. 2 crores for the provision of 10 lifts.

2. Another affidavit has been filed by the Administrator, Ranchi Municipal Corporation wherein statement has been made about the removal of debris and the steps being taken for the same.

3. Based on various orders passed by us from time to time, on consideration of various affidavits filed by the parties and the officials of the State Government, the reports submitted by the two Member committee constituted by us earlier and the various other relevant aspects of the matter, we pass the following

comprehensive order :--

(1) The Committee already constituted by us vide our order dated 31.1.2001, comprising of S/s S.B. Gagodia, learned Senior Advocate of this Court, and B.B. Sinha, learned Advocate of this Court, is hereby expanded. In addition to the aforesaid two members of the Committee, the following persons are added as its members :--

(a) The Secretary to the Department of Health, Government of Jharkhand.

(b) The Secretary to the Energy Department. Government of Jharkhand.

(c) The Principal/Incharge Principal. Rajendra Medical College & Hospital, Ranchi.

(d) The Medical Superintendent/In-charge Medical Superintendent, Rajendra Medical College & Hospital, Ranchi.

(e) Dr. Ram Ball Sinha, Surgeon Specialist, Ranchi.

(f) Prof. (Dr.) K.K. Sinha, Neuro Physician, Bariatu, Ranchi.

(g) Dr. B.K. Verma, Ophthalmologist, Bardwan Compound, Ranchi.

(h) Dr. Rakesh Arya, Head of the Medical Services, Central Coal Fields Ltd., Ranchi.

(i) Dr. C. Shriniwas Sullu, Chief Medical Officer, MECON, Ranchi.

(j) Dr. (Mrs.) Shobha Chakravartee, Gynaecologist, Ranchi.

(k) Dr. Dinesh Chandra Mathur, Joint Director Incharge Medical and Health Services, Bokaro Steel Plant, Bokaro.

(l) Special Invitee Member.-- Dr. M.K. Chhetri, General Physician and Cardiologist, Calcutta.

(m) The Deputy Commissioner, Ranchi.

(n) The Administrator, Ranchi Municipal Corporation, Ranchi.

4. The Health Secretary, Government of Jharkhand, shall be the Member-Secretary of this Committee. He/she shall preside over-and conduct all the meetings of the Committee. In her absence, the senior-most Government Official-Member of the Committee, shall conduct and preside over the meetings of the Committee.

5. Mr. S.B. Gadodia, learned Senior Advocate of this Court and the Member of the committee shall personally get in touch with Dr. M.K. Chhetri and request him on behalf of the Court to spare his valuable time to visit Ranchi on as many occasions as possible, to participate in the meetings of the Committee and visit the Hospital and the Medical College, Ranchi. For his visits to Ranchi in connection with attending the meetings of the Committee, the travelling and other expenses borne by him shall be paid by the Govt. of Jharkhand. The

meetings of the Committee shall be held in the first six months, at least twice in a month, with an interval of not more than two weeks and, thereafter, at least once in a month.

6. Even though we do not fix or prescribe any quorum for the meetings of the Committee, we hope, observe and direct that all the Members of the Committee shall ensure that they attend all the meetings. We are particular about the Official Members and are equally sure that they would not absent from any meeting of the Committee except for the reason of their being absent from Ranchi town on any particular day.

7. This Committee shall be over-all in-charge of the Administration and the monitoring work of the R.M.C.H. and shall supervise all the activities there, with special emphasis to the following :--

(i) Immediate installation of lifts;

(ii) Immediate construction of the inner and outer roads of the Hospital ensuring that the quality of work with respect to the roads is of good quality:

(iii) Maintenance of discipline in the Hospital, patients' care and over-all improvement in the service to the patients;

(iv) It shall be the endeavour of the Committee to interact with concerned Government Departments and other agencies of the State, and, to ensure; by issuing orders and directions from time to time for the aforesaid purposes and for all other purposes, directly or indirectly related to the subject of teaching and provision of medical services in RM.C.H. at the highest possible level, so as to provide the treatment and patients' care at a highly satisfactory level.

8. By issuance of a writ of mandamus, we direct the State of Jharkhand and all functionaries of the State of Jharkhand to take into consideration all the recommendations of this Committee and to ensure the implementation thereof as far as possible and without any delay whatsoever, unless in the opinion of the State Government, for reasons to be recorded in writing, it is neither desirable, nor feasible, nor practicable to implement such recommendations or any part thereof. We also wish to observe here that the Medical Council of India may consider arranging more frequent visits of its Inspection teams to the College to ensure that the standard of teaching and hospital facilities are on a steady course of improvement graph.

9. The Member-Secretary of the Committee shall be responsible to record and maintain the minutes of each meeting of the Committee. It shall be his/her duty to ensure that the copies of the minutes of each meeting of the Committee are sent to the Chief Secretary, Government of Jharkhand and the Registrar General of this Court. The Registrar General of this Court shall periodically place the Copy of such minutes for the perusal of the Court.

10. First meeting of the Committee shall be held on 17.4.2001 at 4 p.m. in the

Chambers of the Principal. R.M.C.H., Ranchi.

11. The Secretaries, Departments of Energy and Health. Government of Jharkhand, are directed to take all steps immediately to ensure that the installation work of lifts as is mentioned in the affidavit of the Secretary Energy Department, is carried out immediately and the OTIS ELEVATOR COMPANY (INDIA) Ltd. is approached to ensure speedier installation of lifts in the Hospital.

12. It has been submitted before us that one major cause of decline in the services in the R.M.C.H. and other major Hospitals of the State Government is the fact that the doctors working in these institutions, even though whole-time Government Servants, engage themselves in private practice. We, by issuance of a writ of mandamus hereby direct the Government of Jharkhand to immediately and forthwith consider the question as to whether it shall not be in the public interest to ban the private practice of such doctors and if it decides to do so, to issue orders in that behalf and to ensure that such orders are complied with and implemented in letter and spirit.

13. The State Government is at liberty, at any time, to approach this Court for seeking any clarification with regard to any observation, term or direction contained in this order or for modification, variation or vacation thereof. Similarly, any party to these proceedings or any Member of the Committee is also at liberty to mention the matter before us at any time or to seek any appropriate direction on any issue or any point which is subject matter of this order.

14. This case shall come up again in usual course.

15. Order accordingly.

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