
(1997) 04 PAT CK 0024
In the Patna High Court
Case No : C.W.J.C. No. 8444 of 1996

Progressive Lawyers Association

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 15-04-1997

Acts Referred:

Citation : (1997) 1 PLJR 860

Hon'ble Judges : S.N. Jha, J;S.J. Mukhopadhaya, J

Bench : Division Bench

Advocate : S.S. Dwivedi, Rajendra Prasad Singh, Banwari Sharma and Anil Kumar Upadhyay, for the Appellant; Ganga Prasad Roy and Yugal Kishore, Shiva Kirti Singh and Vinay Kirti Singh for Electricity Board, Bhupendra Narain Sinha, Partha Sarthy, Rabindra Kumar Sinha I, S.K. Agrawal, Amar Nath Singh and Sunil Kumar Singh for Intervenors, for the Respondent

Judgement

1. Hearing of this matter was taken up today.
2. Most of the unauthorised constructions are reported to have been removed. It has, however, been stated that only the structures have been demolished, the bricks etc. are still lying there which may be used for making similar construction in future. It has also been stated that the back walls of many such structures have not been demolished. We direct the District Administration to demolish whatever is left of the unauthorised constructions and remove the bricks etc. from the places.
3. The District Administration shall consider and submit report as to whether the entire road portion, over which constructions had been made and have since been removed, are to be utilised for the purpose of road or flanks can be constructed on sides over which trees eta could be planted. Plantation of appropriate types of trees will not only make the place beautiful and help improve the environment but also prevent constructions.
4. It has been stated that although unauthorised constructions have been

removed, the electric wires which were being used for consuming electricity, inside those constructions are still hanging loose and some people are still using electricity during night hours. We had earlier given direction to the PESU to remove/disconnect all unauthorised electric connection/installation. We would reiterate our aforesaid direction and give two days" time for such removal/disconnection.

5. One garage and two rooms in the compound of the residence of Superintendent and one garage in the compound of the residence of Deputy Superintendent, which too are said to be unauthorised, so far have not been demolished. The Superintendent stated in Court that he has no objection to same being demolished. The District Administration shall carry out the demolition work forthwith.

6. One Mahabir temple in front of the Psychiatry Department and one Vishwakarma temple have been constructed. Certain rooms also have been constructed as part of the temples. Besides, statue of Bhimrao Ambedkar has also been put up. Side by side some structures have also been put up. These places are said to be used by anti-social elements. We direct the District Administration to immediately take over these temples etc. and submit a report as to how best the same can be utilised. A suggestion was given that police force can be stationed in these places.

7. The nurses, who were occupying the upper floors of Labour Ward, have since been evicted. It has been stated that one ward in Rajendra Surgical Block, likewise is also in the occupation of the nurses. The nurses occupying rooms in the Rajendra Surgical Block stand on the same footing as the nurses who were in occupation of the Labour Ward. They too have to vacate the Rajendra Surgical Block. The District Administration will give them a week's notice and on failure to vacate the Ward on their own, shall take steps for their forcible eviction.

8. During hearing of the case (I.A. No. 1739/97 and I.A. No. 1758/97) on 11.4.97 our attention was drawn to memo No. 757(6) of the Health Department dated 24.8.84, containing the minutes of the proceedings and the terms of agreement between the nurses' representatives and the Government. It appears that while considering Demand No. 3 of the Association, the Health Department had undertaken to make provisions for the accommodation of the nurses inside or near the P.M.C.H. campus (In fact, it was said so with respect to the nurses in other hospitals of the State also). On behalf of the nurses it was highlighted that until alternative provisions are made for them, they should not be asked to vacate. We rejected the submissions because the agreement to allow the nurses to occupy the upper floors of the Labour Ward and in the event the same is insufficient, to further occupy the portion of the Casualty Ward, was contrary to public interest. That chapter is over since the nurses have since vacated or have been evicted from the Labour Ward. Since the nurses may have a point in asking for accommodation inside or near the concerned hospital campus, we direct the Respondents, particularly, the Health Commissioner, and the Secretary, Buildings

Department, to submit a report as to how the need of the nurses in this regard can be catered to.

9. The Health Commissioner will also submit a report as to whether it is possible to use the Ward in the Rajendra Surgical Block, which is presently in occupation of the nurses (as stated above) can be utilised as Burn Ward, after the eviction of the nurses, as suggested by some of the Advocate Members of the Committee.

10. The garages of the doctors which had also been unauthorisedly constructed have since been demolished. The Health Commissioner will submit a report as to whether it is possible to construct a cluster of garages to provide parking accommodation to the doctors who have been allotted quarters and are living in the P.M.C.H. campus.

11. The Health Commissioner has submitted a report dated 11.4.97. From the report it appears that the meeting of the Committee constituted by this Court met only once so far, and that too was six weeks ago on 1.3.97. We direct the Commissioner to convene and hold the meeting latest by 25.4.97, discuss the matter and submit the scheme/proposal on behalf of the Committee. From the said report it also appears that a Committee of the officers of different Departments is scheduled to meet today. The result of the deliberation of the Committee shall be mentioned in the report which the Health Commissioner may submit separately or in the same report on behalf of the Committee after discussing the same, in the meeting which has been directed to be held before 25.4.97.

12. The Health Commissioner shall also consider amendments in the "Rules for the management of the Patna Medical College Hospital" to make the actual working of the PMCH more effective. In the meantime, he shall effect to his ideas and suggestions, as indicated in the aforesaid report dated 11.4.97. If any direction of this Court is required, it is open to him to make such request.

13. A huge amount of money (more than Rs. 80 lacs) is said to have been surrendered at the end of the financial year because the same could not be utilised. The Health Commissioner shall look into the circumstance in which the amount could not be utilised and submit report so that the Court may consider issuing direction to the State Government to take disciplinary action against the erring officers/employees.

14. In the meantime, we direct the Superintendent, PMCH, to provide bed pillows, bed sheets and bed pans to every patient. The Superintendent will be held responsible for any default in this regard.

15. Fix this matter for further direction on 28.4.97. On that date, the Court shall also review the progress made during the intervening period.

16. Let a copy of this order be handed over to Mr. Ganga Prasad Roy, Additional Advocate General No. 3, Mr. S.S. Dwivedi, and Mr. Shiva Kirti Singh.