

(2011) 12 AHC CK 0050

In the Allahabad High Court

Case No : Public Interest Litigation No. 32844 of 1997

Satish Chaturvedi

APPELLANT

Vs

State of UP and Others

RESPONDENT

Date of Decision : 16-12-2011

Acts Referred:

Citation : (2011) 12 AHC CK 0050

Hon'ble Judges : Sunil Ambwani, J; Dilip Gupta, J

Bench : Division Bench

Judgement

1. This writ petition was filed by Shri Satish Chaturvedi, an Advocate of the Court (now Additional Advocate General of the State of UP) in public interest, for improving the conditions of the Swarup Rani Nehru Hospital, attached to Moti Lal Nehru Medical College, Allahabad and its associated hospitals namely M.D. (Eye) Hospital, Allahabad and S.R.N. Children Hospital. The petitioner had prayed for following reliefs:-

(i). issue a writ order or direction in the nature of mandamus directing the respondents to ensure constant and uninterrupted supply of electricity to the medical college and its hospital at Allahabad;

(ii) issue a writ order or direction in the nature of mandamus directing the respondents no. 1 and 3 to ensure that costly equipment's installed in the department of Radiology, Pathology, Microbiology and other departments may be maintained in proper order and the same may be made available to the general public and the patients of the hospital without failure or excuse;

(iii) to direct respondents to make arrangements for ensuring cleanliness of the Hospital, including removal of garbage daily.

(iv) to direct respondents to ensure hygienic conditions in the Hospital to provide basic amenities and life saving drugs.

(v) Issue such other writ order or direction as this Hon''ble Court may deem fit

and proper.

2. The matter remained pending without any action for about seven years. Hon''ble Mr. Justice Markandey Katju, the Acting Chief Justice (as he then was) sitting in Bench with one of us passed the first three effective orders giving directions to the State Government; Principal of Moti Lal Nehru Medical College; the hospital authorities and Nagar Nigam, Allahabad to improve the conditions of these hospitals providing tertiary medical care to the people of the region. These three orders were subsequently monitored by about 80 orders passed by the Court upto 8.9.2011. The first three orders are quoted as below:

1. Hon''ble M. Katju, A.C.J.

Hon''ble Sunil Ambwani, J.

The petitioner is permitted to file an amendment application within two weeks clearly stating what facilities and equipment are required in Swaroop Rani Nehru Hospital, Allahabad in order to make it one of the best and model hospitals in Uttar Pradesh.

We are of the opinion that the Swaroop Rani Nehru Hospital, Allahabad must be made a model and one of the best Hospitals in Uttar Pradesh since the Hon''ble Judges of the Allahabad High Court and other dignitaries who have medical problems will be able to get proper medical facilities only if that is done. Presently, we are informed that the Swaroop Rani Nehru Hospital, Allahabad, which is the Hospital of Moti Lal Nehru Medical College does not even have a Cat Scan Machine, which is now a very elementary facility available in almost every Hospital. It does not have a proper generator, because of which the hospital is often without electricity. It also does not have other equipment and facilities, which are needed in a top class Hospital. We make it clear that we wish to see Swaroop Rani Nehru Hospital, Allahabad as a model and one of the best Hospitals in Uttar Pradesh with all modern facilities, and with proper sanitation and hygiene in the campus. At present, there is so much filth and dirt in the hospital campus that it would make even healthy people sick. The hospital campus is totally unsanitary and unhygienic. This is most unfortunate and should not be tolerated any longer.

List peremptorily before us on 15.9.2004 on which date, the Principal, Moti Lal Nehru Medical College, Allahabad will submit an affidavit stating what facilities and equipment are required to make the Swaroop Rani Nehru Hospital, Allahabad as a model and top rate Hospital. Before submitting this affidavit, the Principal will call all the Head of the Departments and other concerned Doctors which he would like to consult so that a comprehensive report may be submitted before us. The position about the power supply to the Hospital should also be indicated in the affidavit.

Dt. 31.8.2004

2. "Hon''ble M. Katju, A.C.J.

Hon"ble Sunil Ambwani, J.

List peremptorily before us on 8.11.2004, on which date, the Principal Secretary, Medical & Health, U.P., as well as the Principal Secretary, Finance, UP will be personally present in Court. The learned Standing Counsel will forthwith convey a copy of order dated 31.8.2004 passed in this writ petition as well as all the affidavits and other documents filed in this case to the aforesaid authorities. The said authorities are directed to peruse the same and comply with our order dated 31.8.2004. We may reiterate that by that order we had directed that Swaroop Rani Nehru Hospital, Allahabad should be made a model and one of the best Hospitals in Uttar Pradesh since the Hon"ble Judges of the Allahabad High Court and other dignitaries, who have medical problems, may get modern health facilities. Presently we are informed that the Swaroop Rani Medical Hospital, Allahabad, which is the Hospital of Moti Lal Nehru Medical College does not even have a Cat Scan machine, Ultra Sound Machine, Blood Bank, etc., which are now very elementary facilities available in almost every modern Hospital. It does not have a proper generator, because of which the hospital is often without electricity, even when the operations are being performed. It also lacks incinerators, proper sanitation arrangement and other facilities.

In pursuance to our order dated 31.8.2004, Dr. Mamta Singh, Principal, Motilal Nehru Medical College, Allahabad had requested all the Heads of the Department of M.L.N. Medical College and S.R.N. Hospital, Allahabad to supply requirements of the equipment and facilities in their departments. She has stated in her affidavit that the condition of M.L.N. Medical College and its associated Hospitals is deteriorating day by day due to paucity of funds. She has pointed out in para-7 of her affidavit that the M.L.N. Medical College and its associate Hospitals do not even have basic amenities with regard to sanitation, disposal of bio-medical waste, electric supply, security, water supply, central laundry system, central auto claving and sterilization unit, maintenance of electrical equipments, plumbing, medical equipments, furnitures, vehicles/ambulances, telecommunication, utilisation of user charges, staff and repair of internal road. She has also pointed out the problems of encroachment and removal of all such persons, who are not employees of the Medical College and Hospital from inside their premises. She has pressed for an immediate need of a Power Sub Station for the M.L.N. Medical College, Allahabad and its associated Hospitals, and has annexed documents supporting the demands made to the State Government and the concerned authorities for these requirements. In our opinion, these demands are justified and must be provided forthwith.

We are informed that the Nagar Nigam, Allahabad has made a garbage dump inside the Hospital near the post mortem operation theatre. This is most objectionable and in fact it will make even the healthy people who visit the hospital sick. The Nagar Nigam is directed to lift the garbage from the Hospital campus on every alternate day to ensure that the garbage is not collected there. Sri S.D. Kautilya, learned counsel for the Nagar Nigam is present before us and

this order is being passed in his presence.

We are informed that M.D. (Eye) Hospital, Allahabad and S.N. Childrens" Hospital are associate hospitals of the Moti Lal Nehru College, Allahabad. The order passed by us today will also apply to these Hospitals.

Let a copy of this order be given to learned standing counsel and Sri S.D. Kautilya today free of charges. The Registrar General of the Court and learned Standing Counsel as well as the petitioner will also convey a copy of the order to Chief Secretary, U.P. No further delay in compliance with our order dated 31.8.2004 and today's order will be tolerated. Sri M.K. Gupta and Sri S.S. Rathore are directed to inform learned counsel for U.P. Power Corporation Limited about this order in writing today.

We also appoint Sri M.B. Saxena, learned Advocate as amicus curiae in this case. He is requested to assist the Court and to inform us about the conditions of the aforesaid Hospitals and to give his suggestions for their improvement.

Dt. 1.11.2004

3. "Hon"ble M. Katju, ACJ

Hon"ble Sunil Ambwani, J

This order is being passed in continuation of our earlier orders in this petition. This is a P.I.L regarding S.R.N. Hospital, Allahabad, which is attached to M.L.N. Medical College, Allahabad. The said hospital, and its associated hospitals, are in a pathetic state of affairs. Sri M.B. Saxena, Advocate, who had been appointed as amicus curiae by us by our order dated 1.11.2004, has submitted his interim report. Sri S.M.A. Kazmi, learned Chief Standing Counsel appearing for the respondents, has stated that the report of Sri M.B. Saxena has been examined by the Special Secretary, Medical Care and the Principal Secretary, Finance. They accept that the factual statements in the said report regarding general conditions in the S.R.N. Hospital, Allahabad and the associated hospitals at Allahabad are correct. In the circumstances, we see no justification for the present pitiable state of affairs of the Swaroop Rani Nehru Hospital, Allahabad and its associate Hospital to continue.

Sri M.B. Saxena requests and is granted one week's further time to submit a detailed report after examining the facilities, equipments and records of the hospitals. We permit him to carry out the inspection of the facilities, the equipments and the records of the hospitals. He will submit a detailed report which shall be supplied to the learned Chief Standing Counsel, to be forwarded to the Principal Secretary, Medical and Health, Government of U.P., for preparing final proposals for release of funds to the Principal Secretary, Finance, Government of U.P. The Principal Secretary, Medical and Health, Principal of Moti Lal Nehru Medical College, Allahabad and all other concerned officers and doctors will render full assistance to Sri M.B. Saxena, Advocate in this connection.

In the meantime, we direct that the sanitation both inside and outside the Hospitals should be improved, the encroachments in and around these hospitals should be removed and the approach roads should be repaired. The Municipal Commissioner, Allahabad is present in Court today. Sri S.D. Kautilya appearing on his behalf assures that the required steps to carry out these directions shall be taken immediately. The Police will give protection to the concerned officials in removing encroachments.

Since the authorities have accepted the factual state of affairs prevailing in these hospitals given in the interim report dated 8.11.2004 of Sri M.B. Saxena, Advocate, we direct the Principal Secretary, Finance, U.P to immediately release the necessary funds for doing the needful in accordance with the report and also to provide the immediate requirements in these hospitals as suggested by the Principal of the Moti Lal Nehru Medical College, Allahabad, such as providing a Cat Scan Machine, Ultra Sound Machine, Resuscitation room attached to the Emergency, Neo-natal intensive care unit at the S.N. Children Hospital, intensive care unit at the S.R.N. Hospital in the first phase. At least 100 KV Generators should be supplied forthwith to S.R.N. Hospital, Allahabad and its associate hospitals each, since often electricity goes off in the middle of an operation, and there is other inconvenience.

We make it clear that this order only pertains to the first phase of the steps for improvement of conditions in the S.R.N. Hospital, Allahabad and its associate hospitals. A bench of Hon^{ble} Mr. Justice Sunil Ambwani and Hon^{ble} Mr. Justice Vikram Nath is nominated to hear this case in future. This bench will sit on every alternative Fridays to monitor the orders passed in this writ petition and to pass fresh order. The authorities will render all cooperation to this bench and shall strictly and punctually comply with its orders.

This petition will be listed before the aforesaid bench on 3.12.2004 and thereafter on every alternative Friday. By 3.12.2004 we expect that the orders passed herein in the first phase will be complied with by the concerned authorities and the action taken will be reported to this Court. Sri M.B. Saxena is also requested to submit a report about the progress as well as compliance of the orders passed today, and earlier orders in this writ petition.

This order has been passed after consulting the Principal of Moti Lal Nehru Medical College, Allahabad and S.R.N. Hospital, Allahabad. A copy of this order will be supplied to Sri M.B. Saxena, Advocate free of cost by tomorrow. A copy of the order will also be supplied to other learned counsels by tomorrow on payment of usual charges.

Dt. 9.11.2004

3. In the last seven years, the Court has monitored the requirements of the hospitals associated with the Medical College, detailed in the three orders quoted as above. The Court gave directions to various authorities including State of UP, to provide for necessary funds for infrastructure and equipment; to the UP Public

Service Commission to fill up the vacancies of the Principal, Teaching staff, Nurses, Para Medical staff and Class IV employees; to the Principal and Chief Medical Superintendent to remove private diagnostic centres unauthorised medicine shops, temples, officers and occupants and private establishments, and encroachments of all kinds from inside the hospitals, and to appoint or to outsource, staff for security and sanitation; to the Nagar Nigam, Allahabad to implement the Bio-Medical Waste Management Rules, remove the garbage dumps on the gates of hospitals, shift the slaughter house adjacent to MD (Eye) Hospital, and to remove the stray cattle and dogs from the campus; to UP Jal Nigam to ensure water supply from tubewells and over head tanks and provide sewerage facilities to the hospitals; to the UP Power Corporation to ensure 24x7 power supply; and to Chief Medical Officer of the State Government to shift post mortem facility and mortuary from inside the hospital to some other place.

4. The State Government initially took interest and provided grants of about Rs. 17 crores for providing infrastructure, instruments and other facilities inside the hospital. With some reluctance and delay the Public Service Commission made selections of the permanent Principal, and teachers. The strength of Nursing and Para Medical Staff was increased. The security and sanitation was outsourced; the tubewells, overhead tanks and sub stations for ensuring electricity were established. The Court, however, could not succeed in getting most of the medical equipment purchased and installed. The vacancies of Class-IV staff could not be filled up due to resistance and thereafter sabotage by the hospital employees. When the interviews were to be held, the records of the selections were put to fire by persons acting in vested interest.

5. During the pendency of these writ petition the University of Allahabad, with which the Medical College was associated College, became a Central University in the year 2005. The Medical College and its associated hospitals were taken over by the Central Government, as associated College of the Central University. An unfortunate tug of war started with the State Government and Central Government to take control of the college and the hospitals, apparently with vested interest of the teaching staff in the College, who were serving under the State Government, with relaxed conditions of service.

6. For about three years, when Moti Lal Nehru Medical College and its associated hospitals were included in the University of Allahabad a Central University, the management and administrative efficiency of the hospitals improved. Col. S.A.P. Manwankar, ExDirector of Armed Forces Medical College, Pune was appointed by the University of Allahabad as Chief Advisor, Medical Education and Hospital Management. He introduced modern hospital management techniques, improving both the general conditions and specialised medical services in the hospitals. The hospital started looking up and were about to become one of the best hospitals in the country. The Central Government, released special grants for improving the Medical College and hospitals and was committed to provide quality health care to the people of the State.

7. The State Government raised an issue in the Court for amending Statute 30 (4) of the First Statute of the University so as to exclude the "Motilal Nehru Medical College" and "Swarup Rani Nehru Hospital" as University Colleges and to de-link them from the University of Allahabad under the University of Allahabad Act, 2005, which had come into force w.e.f. 14.7.2005. By an order dated 13.11.2006, we rejected the applications and held that it was for the legislation in its wisdom to determine whether a particular College of the institute should be a University College or not under Statute 30 (4) of the First Statute of the University by which Moti Lal Nehru Medical College and Swarup Rani Nehru, Hospital were declared as University colleges.

8. The 12th Finance Commission allocated Rs. 19.25 crores out of which Rs. 8.9 crores were disbursed for infrastructure and equipment to the College and Hospitals, upto 8.12.2006. The Court with the consent of the Vice Chancellor of the University of Allahabad under expert management of the Chief Medical Advisor, monitored the disbursement and utilisation of the funds, which brought about many changes and improved both the diagnosis and treatment. Various new specialities were started, coordinating with the old departments.

9. In the year 2007 the Court also intervened in an incident in which some of the senior students in the Medical College performing emergency duties had assaulted the patient's relatives on 18.10.2006. The College authorities set up Committees to enquire into the incident. Initially the Committees reported that they are unable to fix the responsibility on the persons, who indulged in violence. Later on, the same Committees recommended a lenient action to be taken and let off the students without identifying them with warnings. We found that such incidents were recurring and requested Shri Ravindra Bhasker, H.J.S., Additional District Judge, Allahabad to enquire into the matter. He made a detailed enquiry and submitted his report identifying the students who had beaten up the relatives of the patients fixing responsibility on the students and specially Dr. Neeraj Srivastava, who led the assault only for the reason that relatives had dared to ask about the cause of death, of the deceased. On the directions issued by us, Dr. Neeraj Srivastava was suspended. It is only after he submitted unqualified apology, that by the order dated 18.5.2007 we directed the suspension to be kept in abeyance, until the decision is taken by the Vice Chancellor of the University. We were never informed, if any action was taken against him; and later found that the leniency shown by us and the University, gave rise to many incidents thereafter.

10. A Special Leave to Appeal against our order by which he had held that the Medical College and the hospital were included as University Colleges was decided by Hon"ble Supreme Court on 30.3.2007, leaving the matter regarding the affiliation of the College and its administrative control to be settled by the University, State and Union of India at the earliest having regard to the relevant statutory provisions. A number of meetings were held between these authorities. They could not resolve the impasse, and finally just before the expiry of three

years of the enforcement of the Allahabad University, Act, 2005 the President of India exercised her powers in delinking the M.L.N. Medical College and Hospitals, and gave them back to the administrative control of the State Government. The Medical College was subsequently affiliated to the Chhatrapati Shahu Ji Maharaj University for award of degrees.

11. By our orders issued from time to time including the judicial order dated 29.8.2008, we had, looking into the repeated strikes by the teaching staff, junior doctors, nurses, technical staff, Class-III and Class-IV employees, put a complete ban on the strikes in the Hospital as they provide essential public services. We had issued these orders in larger public interest with directions that the disobedience of these orders will be treated as contempt of court.

12. A large number of private enterprises are mushrooming inside the hospital. Despite our best efforts we could not remove Durga Diagnostic Centre, which was established only for a temporary period until the diagnostic facilities such as Cath Lab, Cath Scan, MRI were made available in the hospital. We also did not succeed, inspite of directions and reminders to establish Cath Lab, Cath Scan & MRI facilities in the hospital. We approved the proposal but could not get the Trauma Centre functional.

13. We appointed amicus curiae to report to us the deficiencies in the patient care as well as to point out the areas, where the directions of the Court would be useful in improving the conditions of the hospital. Initially the amicus curiae rendered valuable help, but later on with the passage of time they lost interest.

14. We have no doubt, that the teaching staff of the Medical College is professionally competent and that if they desire they can give best of their services as teachers and provide best patient care in the hospitals. Most of them, however, are more interested in earning money, and are shamelessly, against their service conditions and despite drawing non-practicing allowance, running private clinics, nursing homes, and even full fledged hospitals in the city, either in their name or in the name of spouses relatives or friends. As government servants they are not entitled to do private practice, and to run nursing homes and hospitals. The warnings given by us from time to time did not deter them to continue with their illegal private practice. We only hope that good sense will prevail upon them and that they will understand their responsibilities, stop the private practice, and devote their full time to teach in the college and serve the patients.

15. The proceedings in this public interest litigation were stayed by Hon''ble Supreme Court on 13.9.2009 in Civil Appeal Nos. 10872 of 2010 against the order dated 17.10.2008; in Civil Appeal No. 10873 of 2010, against the order dated 7.11.2008 and in Civil Appeal No. 10874 of 2010 against the order dated 24.7.2009. The Civil Appeals were not contested by the petitioner in this writ petition. On 5.2.2011 the Registry of this Court received a judgement of Supreme Court dated 15.12.2010, which was brought to our notice for the first

time on 13.5.2011.

16. In the order dated 15.12.2010, Hon''ble Supreme Court has found that most of the directions were in public interest, but that since there was no pleadings or prayers in support of some of the directions given by the Court, the impugned judgements were set aside and the High Court was requested to decide the matter within six months from the date of communication of the order. Paragraphs 16 and 21 of the judgment is quoted as follows:-

16. Learned counsel for the State of U.P submits that since these directions were in the larger public interest, they were complied with by the State of U.P. Undoubtedly, all these directions have been passed with good intention and in the larger public interest, but all these directions are much beyond the prayers in the petitions filed in the public interest and the Court ought to have been careful about the ambit and scope of the public interest litigation. The directions, which are not judicially manageable, ought not to have been passed.

21. Since the public interest litigation filed before the High Court is pending since 1997, we request the Division Bench of the High Court to dispose of the same as expeditiously as possible, in any event, within six months from the date of communication of this order.

17. After receiving the order of the Supreme Court we directed the State Government to file an affidavit annexing therewith a status report on the compliance of the directions given by us. Dr. S.P. Singh, Principal of the Medical College filed a compliance affidavit on 8.7.2011 annexing therewith a detailed status report of the compliance of the orders.

18. The status report submitted on 8.7.2011 shows that a large number of the directions given by us to the State Government; the Medical College; UP Power Corporation and the Municipal authorities have not been complied with so far. Some of these orders, with reference to the dates on which they were passed or reported by the Principal of the College, and the status of their compliance reported by the Principal of the Medical College, are quoted as below:-

09.11.2004

Sl. No.

Order

Status

1.

Direction for that the sanitation of inside ad outside both and approach road should be repaired.

Order for sanitation outside/inside of Hospital complied. Encroachment was removed at that time. Proposal for main hospital gate also has been sent. Order was complied subsequently but again encroachment occupied. For that, letter

has been sent to the concern authority.

2.

Order regarding such as a

C.T. Scan provided on vet lease by

providing a Cat Scan machine, Ultra sound machine, resuscitation machine. Construction of resuscitation room attached to the Emergency, Neonatal intensive care unit at the S.N. Children Hospital and intensive care unit at S.R.N. Hospital.

Government order dated 02.01.2003. Resuscitation is running. Intensive care unit running at S.R.N. Hospital and Neonatal intensive care unit installed at S.N. Children Hospital.

3.

At least 100 kva generator should be supplied forthwith to S.R.N. Hospital Allahabad and associated hospitals each, since often electricity is off in the middle of an operation, and there is other inconvenience.

Generator installed in S.R.N.-06 S.N. Children 01, Medical College-01, subsequently (SRN -125 kva-5 & 65kva-1, Medical College-65 kva-1 and S.N. Children 65kva-1)

03.12.2004

1.

Order regarding forming the monitoring committee steps for improvement of conditions in S.R.N. Hospital and other associated hospitals.

Committee was formed. Monthly meeting monitoring.

2.

Direction for all the constructions and maintenance in the college and hospitals should be carried out only through the Government agencies which include PWD, UP RajkiyaNirmanNigam etc.

All work done by Government agencies U.P. JalNigam/PAXFAD/AvasVikasParishad.

3.

Order regarding a separate feeder should be provided in M.D. (Eye Hospital/ S.R.N. Hospital, S.N. Children Hospital) as well, in addition to the generators as directed earlier order dated: 09.11.2004. The Principal of the Medical College shall intimate the UP Power Corporation with these direction to be carried out without any delay and the progress may be reported by the UP Power Corporation directly to the Court.

Feeder was installed. In all 93 Hospitals but other people's connection should be disconnected from the feeder as Power supply/still power break down frequently. Generator installed in Medical College associated Hospitals.

4.

Order regarding improve the water supply and sewerage in associated hospital.

New sewer line attached with M.G. Marg, SRNH and one new tube bell in each hospital made.

5.

Order regarding direction Municipal Commissioners earmarked at least one garbage disposal truck and permanent staff to remove the garbage everyday from the hospitals and specially MD Eye hospital behind which there is large dump of garbage. The vehicle and permanent staff shall remove the garbage each day from the college and hospitals.

Municipal committee has been duly informed tome to time but this part of order not complied.

NOT COMPLIED

6.

Order regarding disposal of biomedical waste. The Municipal Commissioner shall have provided the details of arrangement of agreement and facilities available with such private agency for disposal of biomedical waste and has licensed from the UP Pollution Control Board.

Private agency has been engaged for removal of biochemical waste hence order complied.

7.

Order regarding removal of slaughter house which it is situated is causing severe health hazard.

Slaughter house not removed but slaughtering has been stopped.

8.

Order regarding shifting of mortuary from S.R.N. Hospital premises to any other place or hospital under his management.

NOT COMPLIED

9.

Costly essential medical

Some X-ray machine functional/non

equipment inside the hospital have not yet started functioning.

functional. Cardiology department functioning. Order compliances. Blood separation unit in working.

10.

It is therefore, absolutely necessary that a Finance Officer and an Auditor must be posted to the hospital.

Finance Controller and Auditor have been appointed.

11.

One time grant was given to Gastroenterology Department and the Cardiology Department . The costly equipments purchased and installed from these have not been put to continuous use for want of grants for running this department.

Gastroenterology/cardiology instruments are functioning/complied.

12.

We direct the Senior Superintendent of Police to post additional police personnel on the out post which is inside the hospital to check any unauthorized entry, encroachments and to keep the hospitals free from unauthorized constructions and encroachments.

Unauthorized construction & encroachment. One encroachment at the gate side, S.R.N. Hospital where a temple and "ShahidSthal" raised was demolished under the supervision of Mr. BadalChatterjee but again occupied by unauthorized persons.

17.12.2011

Order

Status

1.

Utilization of fund of amount 352.88 lac and 112.30 Registrar budget was noticed to Hon"ble High Court and was directed to attend the meeting with Principal and Chief Medical Superintendent.

Complied

2.

Senior Superintendent of Police directed to replace the police personnel posted at S.R.N. Hospital Allahabad. Two lady constable police was also directed to check the unauthorized persons and ensure the patients relatives do not enter the Hospital campus with fire arms and shall assist the Hospital staff.

Same arrangement were made at that movement but now the same situation is

prevailing at present for which SSP intimated later on.

3-7

Fill up the vacancy of Principal, Teaching

Order related to appointment

staff, Senior Medical Superintendent, Medical Superintendent, Para Medical Staff, Technical staff, Nursing staff and other employees. Creation of additional posts of Senior Residents where the departments have Post Graduate Courses, and Non P.G. Resident where the P.G. Courses were not available in the concerned department in adequate members, to look after the urgent needs of the Hospitals.

of Principal and teaching staff, Senior Medical superintendent, Para Medical staff and nursing staff was complied except the appointment of Medical Superintendent and deputy superintendent.

8.

The office is directed to sent notice to U.P. Public Service Commission, Allahabad as to why the Principal and other teaching staff have not been selected and recommended for appointment.

Complied

9.

Horticulture department directed to maintain the garden in the associated Hospitals.

Horticulture Department has been informed but the department has not complied with the order.

10.

The Chief Medical Superintendent has provided a list of equipments, which is idle for want of technical staff; the equipment which is proposal to be replaced the equipment which is necessarily required by the department. She inform the Court that necessary steps have been taken by consulting a Disposal Committee for out dated and useless equipment and that the tenders have been floated with regard to maintenances and purchase of equipment from the grants, which has been received from the State Government.

Order complied. Auction took place in 2008.

11-14

Regarding submission of the list of test carried out by the M/s Jai Durga Diagnostic centre has defaulted in compliance with terms of the agreement. Centre will deposit 10% amount for the test carried out so far and the number of

test carried every month out so that he may recommended the upgrade the 50% test to be carried out free of costs. The centre has taken to provide all necessary assistance

Compliance done.

to the teaching staff and the students of the college and to keep the centre open for teaching purpose as well.

15.

The Chief Medical Superintendent has issued notice to all the unauthorized occupants in the Hospital campus. Let the C.M.S. take action immediately on the expiry of the notice period.

Complied at that time

17-18

The principal of college issued a circular to all the teaching staff who are required to attend clinical duties on the assigned days, to attend the Hospital between 8 am to 2pm. Principal will reach in the Hospital on every day at 9am and also maintain the attendance register to be signed by the teaching staff for clinical duties giving the date and time both at 8am to 2pm on the assigned date. Notice board in OPD display the duty chart shall be updated immediately.

Complied

19.

Order regarding an audit report requiring vouchers before the court and submits that there have been litigation with regard to office of the Principal in the past and that about 6 almira's are still sealed and kept inside the College/Hospital for preparing the inventory by D.M.

Complied

22.

The NagarNigam is at least responsible for remove the garbage from the Hospitals. Court shall not except and excuse. Let the vehicle number which should be in running condition and the name of the staff provide to the court earmarked.

No garbage removal vehicle has been earmarked by Municipal Board till date and garbage is not being removed regularly. So order not complied with by the Allahabad NagarNigam.

23.

The NagarNigam is required to keep the place free from any contamination and thus immediate step shall be taken to remove these poultry shops to some other

place.

For removal of poultry shop in from the M.D. Eye Hospital, Allahabad, no action has been taken by Municipal Board. So order not complied.

24.

There are large number of domestic and stray animals inside the Hospital at all the time. Principal had informed that part from these number of old animals which have been discarded by their owner and

Action under process.

have made their pennant abode inside the Hospital campus. The NagarNigam is directed to remove both the domestic animals as well as stray to be taken every day for next 15 days.

27.

Chief Medical Officer shall shift the mortuary and post mortems facility from inside the S.R.N. Hospital within 15 days and reported the Court on the next date.

Despite the order the mortuary has not been shifted and hence the order not complied.

07.01.2005

A. THE STATE GOVERNMENT

1. We remind Sri S.M.A. Kazmi that these police personal are also required to check encroachments both inside and outside the Hospital and the entry of unauthorized persons and persons carrying firearms, The S.S.P. Allahabad shall also ensure that a police out post is also established in M.D. (Eye) Hospital and S.N. Children Hospital each, as all these Hospital are visited by thousand patients every day

Order had not been complied till date. No police out post had been established in M.D. Eye Hospital and S.N. Children Hospital. In part of the order that Policeman would check encroachment both inside the Hospital not complied.

07.01.2005

A. THE STATE GOVERNMENT

1. Sri S.M.A. Kazmi has assured the court that the State Government shall immediate send fresh requisitions for the post of Principal and for professors and Associate Professors for the remaining disciplines. Sri M.A. Quadeer has assured that on the next date he will submit a time bound programme, within which the selection for Assistant Professors shall be concluded, and the time from within which the selection for the post of Principal Professors and Associate Professors will be completed after receiving the requisitions from the State Government.

Complied

B. The U.P. Public Service Commission, Allahabad

1. We make it clear all over again and restrain the Principal of the Medical College and the Senior Medical Superintended to deal with any financial matters and to make payments except by associating and with joint

deliberation an approval. No tender shall be made unless and until the registrar (Budged), High Court also approves and signs the documents

Complied

C. The Principal And The Chief Medical Superintended

1. M/S Jay Durga Diagnostic Centre is restrained from carrying out any tests other than the test authorized by the agreement with the State Governments, for which a specific rate schedule is appended to the agreement and to charge any mount in excess there of.

Rate list not displayed on noticed board.

2. We direct the Principal to prepare guidelines with regard to the permission. She shall not permit construction beyond the original constructed areas of accommodation and shall not regularize any encroachments. She shall strictly adhere to the guidelines prepared by her. The dues of the defaulters shall be recovered from their salaries in case in deployed of any other department or who have been transferred the department or the treasury concerned shall be required to realized these dues from the salaries of such person for which adequate notice had already been given by the Principal to the defaulters.

Complied as no such case in pending

3. That some persons who are not working in the college and in the Hospital have been allotted residential accommodations by the DM Allahabad. We do not find any justification to allow any persons other than the person who is working in the college and Hospital to occupy. The Hospital inside the College or hospital. That the DM shall cancel all these allotments.

The allotments is still going by the DM Allahabad to the outsiders and no cancellation order issued to previously occupants.

4. The Drive to demolish the unauthoridly construction and to evict unauthorized occupants, shall be concluded by 31.01.2005 Sri SMA Kazmi appearing for the State has assured as soon as the Principal of the college informs and fix a date the requisite bulldoze and police force shall be sent for carrying out the demolition and evictions. Let this be done by the Principal before 31.01.2005 and for this purpose we are informed that adequate notices have already been give into these employees.

Unauthorized construction demolished and fully complied and that time, but they

have again occupied the place. Moreover, more unauthorized construction have taken place.

5. We therefore, direct the Principal of the college to give notice to all these four shops terminating their lease and ask them to vacate on the expiry 30 days from the date of

Complied as not notices had been served but stayed by

service of the notice. These notices shall be given within a week and served upon these shops keepers both by personal service as well as registered post.

Hon"ble Apex court

6. We related our directions that duty charts shall be displayed with direction at prominent places. Duty hours of each doctors shall be displayed pertinently of their chambers.

Duty chart has been displayed at prominent places in all these Hospital so order complied.

D. M/s Ji Durga Diagnostic Centre

E. MUNICIPAL COMMISSIONER

1. The senior Medical Superintendent present has assured that he will make regular and reasonable payments for lifting the hospital waste regularly to the NagarNigam.

Complied

DATED 28.01.2005 NO NEW DIRECTION

A. The state government

11.03.2005

Order

Status

1. The committee will now consist of for Medical Education; (1) the special secretary, Medical education (2) The special secretary Medical & health (3) The director General , Medical and Health and Family Welfare; (4) the Finance Controller, Medical Education and Training, U.P. at Lucknow and (5) The principal of MotiLal Nehru Medical college, Allahabad. Sri Kazmi as assured that the committee will be reconstituted. It is directed that the committee shall hold meeting every month to monitor & supervise improvements, make recommendations and submit its report to the court.

2. Sri Kazmi shall remind the Finance Department of the state Government for making appropriate allocations of this amount for the college and its associated Hospital as far as possible in the present financial year.

3. We make it absolutely clear that the special grants have nothing to do with the annual budget will be increased to not only cover the amount of maintenance of the exiting equipments, covering the present needs provided, to meet the unforeseen and emergent expenses

Vide subsequent

orders passed by the

Court

4. In this regard we direct the state Government to immediately release the balance of users charges for he college and its associated Hospitals to be utilized for immediate emergent purpose.

Not complied

5. She will be permitted to utilize only Rs. 2.5 lacs. She will Utilize this amount only for the stationery expenses and the expenses for litigation and not for payment of fees to the Advocates, and submit accurate account to the Finance Officer; ShriRathore will submit a list of all the court cases pending in which the college or the hospital are plaintiff petitioner of the defendant respondent.

complied

6. ShriKazmi has assured the Court that he will request the State Governments to pass necessary orders to provide the drawing an disbursing powers to the superintendents of M.D. (eye) Hospital and S.N. Children Hospital, to a limited extent.

Complied

8. Sri Kazmi has assured that he will take up this matter with the Principal Secretary, Medical and Health and will ensure that the post is filled up by transfer or deputation as the case may be without any further delay

9. We take strong objections to this and direct that all the six constables shall be posted only at the hospital out post.

Complied in case of S.R.N. Hospital

10. We here by direct and make the Sub Inspector posted at the Hospital Out Post and the six constables assisting him responsible for any encroachment either out side or inside the hospital premises. In case of any encroachment illegality. They shall also maintain law and order with due care and compassion , with reminder that they are rendering services to the patients and not to the criminals.

The police is not complying with being they are fail in checking encroachment.

Order not complied with.

B. THE U.P. PUBLIC SERVICE COMMISSION, ALLAHABAD

1. Sri M.A. Quadeer is once again requested to provide time schedule of selection and recommendations both on the advertised posts of principals and the Teachers of the Medical Colleges. He is also requested to provide the status of the approval all of the recommendations of the State Governments proposing punishment against Dr. U.S. Sinha.

Vide subsequent orders passed by Hon''ble High Court

C. THE PRINCIPAL AND CHIEF MEDICAL SUPERINTENDENT

1. We direct the JalNigam Unit-II to take this responsibility irrespective of the financial limits set out by the State Governments. We also direct that looking into the large public interest involved in the work in JalNigam shall not charge the cent age for this work and will carry out with world within the time schedule fixed by the Registrar (Budget) of the High Court.

Complied.

2. The U.P. Public Works Department. For this purpose immediate order shall be placed and the work must be begun to be completely within time schedule.

Compiled

3. The principal shall again initiate drives to remove these persons after infirming the District Magistrate, NagerNigam and that the police will all cooperation in this regard. The sub inspector at the hospital out post along with six constables at his service will see to it that the operations in carried is carried out successfully and no further encroachment or constructions are made.

The anti encroachment drive was carried out at that time further some encroachment and illegal constructions tool place for which notices has been issued by College Administration.

4. We therefore declare all constructions beyond the plinth area of the temple at the entrance of the Swaroop Rani Nehru Hospital to be illegal and unauthorized. The respondents are directed to demolish the including the canopy an the statue and boundary wall and any other huts garden, kitchen garden and constructions beyond the plinth area of the temple. The vacated place shall be until zed as suggested for parking for the doctors and the patients and that the hospitals administrative shall give contract in this regard after inviting tenders.

Partially compiled late unauthorized persons extended the constructions surrounding the temple for which had been issued by college administration

So further compliance in needed.

5. We direct that all the teachers/doctors assigned clinical duties shall sign the attendance registers both at 8.00 AM in the morning and 02.00 PM while leaving the

hospital on the days they are assigned clinical duties. We do not find it necessary to remind the senior doctors that punctuality to duty hours is not only a virtue but also sets an example to the students, and that apart from doing teaching duties they are discharging an important public purpose of treating patients in this 825 bedded hospital which caters to a population of about 20 million people at Allahabad and neighboring districts.

Compiled

D. MUNICIPAL COMMISSIONER

1. We direct that the building of garbage dump adjacent to M.D. (eye) Hospital which was highly objectionable causing serious contamination adjacent to three big hospitals should be demolished. As proposed by the NagarNigam place shall be developed as commercial place. The NagarNigam shall construct the commercial centre strictly in accordance with its existing allotment policy.

Compiled

2. ShriKazmi will submit proposals with regard to shifting of this garbage dump as well as on the next date.

Vide subsequent orders

E. THE U.P. POWER CORPORATION

1. We hereby declare that all the public hospitals in the State of U.P. run and managed by the state government including the SRN Hospital and S.N. Children Hospital and M.D. (eye) Hospital shall be made free from any roistering, scheduled roistering and power cuts.

Frequent power break down is still going on in these hospitals.

G. THE CHIEF MEDICAL OFFICER

1. Sri Kazmi has assured that he along with Sri M.B. Saxena will visit the police lines and specially the police hospital to shift mortuary at police line. This matter shall be taken up on the next date of hearing.

Vide subsequent orders

2. We direct the medical council of India New Delhi to carry out the inspection within three months and for this purpose the Principle of the Moti Lal Nehru Medical College, Allahabad is directed to make request to the Medical Council of India.

Complied

Dated 29.04.2005 No new direction

DATED 15.07.2005 NO NEW DIRECTION

DATED 03.08.2005 NO NEW DIRECTION

A. THE STATE GOVERNMENTS

1. We therefore direct that the balance amount of about Rs 52,000,000/- should be immediately sanctioned within a period of two weeks from today and the amount thereafter may start the work and complete it expeditiously.

Complied

2. We therefore have no hesitation in directing that the amount of Rs. 35,00,000/- for which details have already been submitted be also immediately sanctioned by the State government within period of two weeks from today and sent to the medical college.

3. The State Governments shall take into consideration the estimates of the college and sanction these amounts separately.

Complied

B. The principal and chief medical superintendent

4. We therefore restrain the State Government from sending any PMS doctor to the medical colleges on deputation and if such PMS doctors have not already joined the Medical college then they shall also not be permitted to join. Let the state government file an affidavit to show under what authority of law and for what reason it has regard to the PMS doctors who have been sent on deputation and have joined the Medical college can be taken by this court. Such an affidavit should be filed by the next date of listing.

Matter is pending before Hon''ble court.

5. We are further of the opinion that such meeting must be held every month and since the report has to be submitted in respect of the Medical college it is desirable that the committee should meet in the Medical college itself so that the members have first hand knowledge inspect the progress monitor and supervise more effectively.

Vide subsequent order of Hon''ble court.

4. We, therefore, direct that on the next date of listing the Principal of the Medical college shall not only give a complete list of the teachers of the Medical college but also specify such of the teachers who have submitted, the undertaking disclosure and declaration, within time, those who have submitted if beyond the time stipulated along with the explanation for delay, if any and those who have not submitted the same at all. Such undertaking disclosure and declarations shall be made available on the next date of listing for perusal of the court.

Complied

5. We also direct the District Magistrate, Allahabad to submit a list of all such teachers of the Medical College who are engaged in private practice with details

of clinics nursing home, hospital and diagnostic centers run by SMA Kazmi, learned Additional advocate general shall intimate our order to the district Magistrate, Allahabad.

Pertains to D.M.

C. MANOHA DAS EYD HOSPITAL

1. The NagarNigam, Allahabad is directed to ensure that the garbage in front of the MD eye hospital is immediately removed and such removal of garbage should be ensured regularly in future.

NagarNigam not regularly removing the garbage. So, no compliance by Nagar Nigam.

1. THE STATE GOVERNMENT

02.12.2005

1. Amount of Rs. 52,000,000/- for sewer line, without which the entire sanitation system of SRN Medical college and hospital with 850 beds is not functioning without any further delay.

Complied

2. We overrule the objection and direct the State Government to release the maintenance grants for medical equipment separately without any delay.

Complied

3. The letter sent by the State Government to M.C.I. to defer the inspection shall be forthwith recalled. The M.C.I. is requested

to make inspection of the college in the month of January, 2006 for which the requisite fee has already been deposited with the Council.

Complied

A. THE STATE GOVERNMENT

17.02.2006

DATED 20.01.2006 NO NEW DIRECTION

1. Sri S.M.A. Kazmi, learned Additional Advocate General, U.P. has assured us that he will look in to the matter and see to it that work for laying new sewerage line is immediately started and completed as expeditiously as is possible.

Complied

2. Sri Kazmi has stated that the authorities have taken a serious note of this problem and immediate steps will be taken for solving the water crisis.

Complied

3. Regarding the funds to be released for building a "Modern Mortuary" Sri Kazmi has stated that necessary steps are being taken and as soon as the report of Technical Committee is received, necessary orders for release of the funds shall be issued.

Concerned with CMO Allahabad.

4. Regarding the inspection to be carried out by the Medical Council of India.

Complied

7. We see absolutely no reason why the amount of Rs. 35 lacs indicated in the said report for maintenance sanitation and cleanliness in the Hospital should not be immediately released. The learned Additional Advocate General shall inform the Court about the orders passed by the next date of listing.

Fund released and utilized

8. Looking to the investment made and the need we direct Director (Nursing) to immediately post six nurses and the Director Medial Care to post sufficient staff to maintain cleanliness.

Staff nurses posted and sweeper appointed

B. THE PRINCIPAL AND CHIEF MEDICAL SUPERINTENDENT

3. We are, therefore, of the opinion that the Vice-Chancellor of the University should call a meeting or a special meeting of the Executive Council at the earliest, preferably within a period of one month from today, so that a decision can be taken regarding the State Medical College and its Hospital. The decision so taken by the Executive Council shall placed before this Court.

Related to University of Allahabad

4. We, therefore, direct that the Director, Medical Health and Education shall release the additional budget expeditiously so that the functioning of the Medical College is not hampered. The learned Additional Advocate General has pointed out that the information shall be supplied to the Court on the next date of listing.

Complied

24.03.2006

1. We, therefore, entrust this matter to General Manager, JalNigam, Allahabad and make him personally responsible to implement and complete the project before 15.05.2006. Let the tender process be completed after associating the Registrar (Budget) of the High Court, Allahabad and work be undertaken by the expert of Jal Nigam, Allahabad. A compliance report shall be submitted on every date fixed in the matter fixed.

Complied

2. We appeal to the Nurses posted at Swarup Rani Nehru Hospital and its Associated Hospitals to bear with the situation for some more time and expect that the State Government will immediately attend to their demands. Any strike and absence of work by the Nurses, who are doing excellent job and working over time, will be counter-productive to their commitment. Let this appeal be conveyed to the U.P. Nurses at SwarupRani Nehru Hospital and its Associated Hospitals.

Complied

3. We permit the College and direct that these grants shall not be surrendered and give them time for its utilization upto 31.07.2006, subject to condition that the proper utilization certificate will be sent to the State Government.

Complied

DATED 31.03.2006 NO NEW DIRECTION

24.04.2006

1. The learned Standing Counsel appearing for the State of U.P. State that the State Government has not informed him of any contrary view and, therefore, we taken the State Government has no objection to the decision taken by the Central Government and the Executive Council of the University.

One lac fund for litigation allotted from U.P. Government- complied.

Order related to University of Allahabad

2. Order regarding budget not less than 82.60 lac and additional budget for SamagriSampurti like 2003-04

Complied. Budget allotted by U.P. Government

3. Funds (Budget) Rs. 33.00, 35 & 10 lac for Sanitation, Security and Laundry

Kindly see the order passed in future dated 18.05.2006 and thereafter.

18.05.2006

1. The Principal has pointed that the Financial Controller posted in the College.

Complied.

4. Principal shall intimate the estimate from the authorized agency for installation lift to the State Government within one week.

Kindly see the order dated 07.07.2006. Compliance done.

5. We also direct the litigation expenses of Rs. 1 lacs demanded by the Principal of the College shall also be released.

Complied

DATED 7.07.2006 NO NEW DIRECTION

21.07.2006

3. The encroachments on the approach road to the Swarup Rani Nehru Hospital.

Encroachment was removed at that time but subsequently encroacher have come again.

4. Regarding the power supply.

Order was carried out for sometime but frequent break down are still in the Hospitals.

8. Adequate grant as per the norms of A.I.I.M.S. for M.L.N.M.C. & S.R.N.H.

This order was passed at the time when college was affiliated to Central University, Allahabad.

25.08.2006

1. We, therefore, declare the present strike of junior doctors or any strike affecting the functioning of the hospital in the State to be illegal. Any person disobeying this order not only be dealt with offences punishable under IPC, but also for disobedience of the order of the High Court punishable under the Contempt of Court Act. We also direct that as and when the report of the strike in any hospital is given to the District Magistrate/S.S.P. of that district, they shall immediately act upon the notice and arrest all those person responsible for closing the hospital facilities. The order shall be strictly carried out.

Complied

DATED 08.09.2006 NO NEW DIRECTION

09.10.2006

1. Any person disobeying this order not only be dealt with offences punishable under IPC, but also for disobedience of the order of the High Court punishable under the Contempt of Court Act. We also direct that as and when the report of the strike in any hospital is given to the District Magistrate/S.S.P. of that district, they shall immediately act upon the notice and arrest all those person responsible for closing the hospital facilities. The order shall be strictly carried out.

Action was taken against the striking Junior Doctors.

Complied

2. Let the Principal of the Medical College conduct an enquiry either himself or through the committee of senior most Professors of the college and submit his report within one week.

Complied

03.11.2006

1. Issuing directions to the Executive Council of Allahabad University to take steps to de-link Moti Lal Nehru Medical College Allahabad and its affiliated three hospitals from the ambit of the Allahabad University Act, 2006.

Pertains to University of Allahabad.

2. A letter from Ms. Anita Singh, Secretary, Govt. of U.P. to immediately decide the State Government's representation by speaking order after giving opportunity of which date and time may be intimated to her at the earliest.

3. The tone and colour of the letter and the manner in which the Secretary of the State Government has addressed and directed the Vice Chancellor of the University of Allahabad (a Central University) to carry out her orders.

Allahabad University and Government of U.P.

4. We take strong exception to the conduct of the State Government specially Ms. Anita Singh, Secretary, Government of U.P. to have written such a letter to the Vice-Chancellor of the University of Allahabad. She has not only disregarded the liberty granted by us to the Advocate General to hear him in support of the modifications applications, but has also not shown the respect to the head of the academic institution. We have our doubts about her education and training as civil servant.

Allahabad University and Government of U.P.

4. Let this letter be brought to the notice of the Advocate General, for explaining the conduct of an officer of the State Government. We also desire that Ms. Anita Singh, may explain her conduct to the Court.

5. In the circumstances, pending hearing of modification application, the State Government is restrained from issuing any orders in favour or adversely affecting the teachers and employees of the University or to withhold any grants, which have already been sanctioned and are in the process of disbursement.

Kindly see subsequent orders of the Hon'ble High Court.

6. Shri Kapil Rathore appearing for the Principal has filed an affidavit of Dr. P.C. Saxena, the Principal of the Medical College for enquiring into incidence of violence, which took place in S.R.N. Hospital, giving rise to the strike by the Junior doctors. In the earlier report submitted by the committee of senior teachers including the Principal.

7. The same committee has submitted report that they are unable to identify the doctors, who were responsible for the incidence. Along with the report of the Principal the recommendations of the committee have been enclosed.

Complied

8. The incident was as act of gross indiscipline, junior doctors after taking law into their own hand proceeded to lodge first information report without informing the hospital administration and the Principal, after indulging in the incident of violence with the relatives of the patients, they resorted to strike in complete defiance of our directions.

8. College administration has failed and neglected to discharge its responsibility to either report the incident or to fix the responsibility.

9. We, therefore, accept the request of ShriKapilRathore to allow the college administration another opportunity to conduct a detailed enquiry to fix the responsibility of the junior doctors, who resorted to violence, did not report the matter to the college administration and thereafter called for an strike. Let the report be submitted within two weeks.

DATED 09.11.2006 NO NEW DIRECTION

DATED 13.11.2006 NONEW DIRECTION

24.11.2006

1. Dr. P.C. Saxena, the Principal Medical College states that almost all the teachers in the Medical College have given their option in favour of continuing as employees of the University College and not for reverting to the service of the State Government and getting transferred to other institution of the State.

Related to Allahabad University

2. We had rejected the earlier enquiry report in the matter of incidents of violence in SRN Hospital on 08.10.2006 involving the relatives of the patients and junior doctors, which was later on withdrawn. The enquiry committee headed by Prof. S.K. Shukla, HOD Medicine, Prof. D.R. Singh, Prof. A.N. Verma, Prof. H.C. Gupta and Prof. M.N. Misra dated 21.11.2006 runs contrary to the statements of the relatives of the patients.

Action taken at that time.

3. The Principal and the Senior Teachers reached much after the incident and they are not willing to give the correct facts and the name the persons responsible for initiating and taking part in the incident.

08.12.2006

1. Principal, the Chief Medical Superintendent, the Senior Official of NagarNigam and the Senior Superintendent are removed without any delay. Shri M.B. Saxena found animal

08.12.2006

1. Principal, the Chief Medical Superintendent, the Senior Official of NagarNigam

and the Senior Superintendent of Police will ensure that such encroachment are removed without any delay. Shri M.B. Saxena found animal moving in the Hospital. NagarNigam shall take appropriate steps to remove all animals from the hospital and will carry out a drive for this purpose for a week.

NagarNigam have been again informed (Annexure for regular removal of encroachment.

2. We call upon the Principal of the Medical College to issue notice to M/s Jai Durga Diagnostic Centre to show cause as to why the agreement may not be cancelled for violating the terms and conditions of the lease. The notice will be served in writing within one week, to give a reply within one week therefore.

3. Head of the Radiology Department and the Principal of the Medical College should examine this matter and attend to this problem so that X-ray machines are brought back into use.

Complied

4. Dr. Manisha Dwivedi has made a request to direct the Principal of the College to allow the centrally funded project of her department to be located at the same place adjacent to the department. The Registrar of the University will look into the matter; constitute a Committee to resolve the issue of locating the proposed trauma center and advise the Principal. The Registrar may also take necessary action to take stock and meet the crises of

Pertains to Allahabad University.

shortage of Para medical staff, specially the nurse and technicians for smooth functioning of SRN Hospital.

05.01.2007

Order

Status

1. The U.P. AvasVikasParishad, RajkiyaNirmanNigam and U.P. SamajKalyanNigam have not submitted their explanation.

Complied

2. In the circumstances, we very reluctantly issue notices for appearance of Chairman of U.P. AvasVikasParishad, Lucknow, Project Director, RajkiyaKalyanNigam, Allahabad, U.P., and Chairman, U.P. SamajKalyanNigam Ltd., Lucknow, to appear in person in the Court on 2nd February, 2007 to show cause as to why charges be not framed against them for committing contempt of Court, failing which the Court shall issue warrants against them.

Complied

3. We therefore, direct the State Government to release these amounts to the

MLN Medical College without any delay.

Complied

4. The State Government will place the orders passed promoting the teachers of Moti Lal Nehru Medical College by an affidavit of the Secretary Medical Education in Court on the next date.

5. He is granted time upto 2nd February to clear all the encroachment. And remove the cattle and animals whether domestic or stray from inside the hospital premises

Anti encroachment drive was launched and order was complied at that time but tray cattle and animals at S.R.N. Hospital as well as the some approachment come again. NagarNigam has already been informed regarding Court order.

6. Let this decision be take within a week taking into account the letter of the Principle MLN Medical College deed 08.12.2006 and until next date immediate arrangements be made for availability of medicines in SRN Children"s Hospital

Complied at that time

7. We, therefore, direct the Principal of the medical college and the university, to stop the functioning of jai Durga Diagnostic Center. The hospital shall not refer any case to the center until further orders passed by the Court. This order shall be effective from Monday. It will be open to Durga Diagnostic Center to submit their reply to the Court withfull facts details of scans and other tests carried out by it on the next date.

Complied at that time.

02.02.2007

1. Since the promotion orders are subject to the orders passed in this writ petition, and we do not approve alteration of the service condition of the medical teachers by the State Government, we have no reason to doubt that the university will not approve or regularize such promotion.

Need no comments

2. We, therefore, direct the State Government to immediately release these amounts and it over at the disposal of the Registrar of the Allahabad University for its proper utilization.

Related to Allahabad University.

3. We, direct Dr. P.C. Saxena, the Principal of the Medical College to submit his report on the disappearance of the girl "Gudia" from the medical emergency ward no. 1 in which she was admitted in the night of 28/30.12.2006. We expect the Principal to cause enquiry and to submit a report to the Court, explaining the circumstances in which the mentally disturbed patient disappeared from the

hospital and has not been traced out so far.

Complied

23.02.2007

1. We are considered opinion that for ensuring proper administration of the Hospital, the entire administrative and financial powers of all the hospital attached to the Medical College should vest in the Chief Advisor, Medical Education and Hospital Management, Col. S.A.P. Matwankar who is said to have vast experience in this field. We accordingly, so order.

Complied by Allahabad University

Dated 09.03.2007 NO NEW DIRECTION

23.03.2007

Shri J.K. Tiwari, learned Standing Counsel prays

for and in granted two weeks" time to submit the

reply of the State Government to the application.

He has placed on record a letter written by Special Secretary, Government of U.P. awarding censure entry to Dr. P.C. Saxena, Principal, Medical College, Allahabad for diverting and thus mis utilizing the amount of Rs. 68 lacs sanctioned for maintenance for replacement of the three lifts for Rs. 65.87 lacs by withdrawing the amount and keeping it in the shape of bank draft in favour of U.P. RajkiyaNirmanNigam. The Principal of the College will submit a reply to these allegations by the next date.

complied

2. The matter relating to the grant of personal promotions to certain Associate Professors as Professors shall be taken up on the next date of listing as learned counsel for the parties have suggested that the matter may be taken up after the decision of the Supreme Court in the SLP filed by the State Government against the order dated 13th November, 2006.

Related to Allahabad University

3. We have, therefore, been left with no option but to constitute a Committee consisting of prominent and responsible citizens to make enquiries and inspection to locate all such teachers of the Medical college.

Complied at the time

4. The Principal of the Medical College shall submit a list of such teachers who have proceeded on long leave and as list giving the classes taken by the teachers during the last two years. He shall also provide a chart of clinical duties currently assigned to these teachers with details of days and hours and paste them to be

prominently displayed at the registration counters and the concerned departments.

Related to Allahabad University

DATED 18.05.2007 NO NEW DIRECTION

14.09.2007

1. The prayer contained in the first application is for granting time to the University for utilizing the amount of Rs. 2.24 Crores up to December 2007. It has been stated in the affidavit filed in support of the application that the University is in the process of drawing out the revised plan for Trauma services with necessary equipments and infrastructure facilities and therefore, till December 2007 the amount of Rs. 2.24 crores may be protected. It has also been stated in the affidavit filed in support of the application that the University is in the process of drawing out the revised plan for Trauma services with necessary equipments and infrastructure facilities and, therefore, till December 2007 the amount of Rs.2.24 crores may be protected. It has also been stated that the necessary plan shall be submitted before the Court by 15th December, 2007. We find that the prayer made by the University is justified and therefore, direct that the amount of Rs. 2.24 crores may be utilized till December 2007. The application is, accordingly, allowed.

2. The second application that has been filed on behalf of the University is for extending the time to utilize the balance amount of Rs. 1,30,65,351/-out of the PLA account up to 31st December 2007. We are satisfied from the averments made in the affidavit filed in support of the application that the time should be extended upto 31st December, 2007. The application is, accordingly, allowed. The time to utilize the balance amount of Rs.1,30,65,351/- from the PLA account is extended up to 31st December, 2007.

3. The third application that has been filed by the University is for a direction to the Additional Director to function as Drawing and Disbursing Authority for the State Government employees and for G.P. Fund Let a counter affidavit be filed by the learned Standing Counsel within three weeks. The application shall be listed for order on 26th October, 2007.

TRAUMA- equipment has been purchased.

Vide subsequent orders also.

4. An application has also been filed on behalf of Dr. M.P. Tandon and others with a prayer that the University may constitute a Selection Committee for the purpose of considering the claim of the applicants for promotion as Professors in the Moti Lal Nehru Medical College, Allahabad under the Personal Promotion Scheme. The said application is supported by an affidavits of Dr. Devashish Sharma, ShriShashiNandan learned Senior

Need no comments

Counsel appearing for the applicants submitted that the University may constitute a Committee for considering the cases of the applicants for personal promotion as Professors as earlier the Departmental Promotion Committee had recommended their names for granting promotion to these Professors but in view of the order passed by this Court, the order of the State Government was not given effect to Shri P.S. Baghel learned counsel appearing for the Allahabad University has submitted that the University can consider this prayer but in view of the order passed by Hon''ble Supreme Court on 30th March, 2007 that till it is settled as to whether the College and the associated hospital should continue merely as a constituent State Government College affiliated to the University or should be a University College belonging to the University status quo as on the date of the order shall continue, it may not be possible to grant any personal promotion. In view of the aforesaid contention, we direct that it would be open to the University to constitute the Committee for considering the cases of the applicants for personal promotion as Professors but the recommendations of the Selection Committee shall not be given effect until further orders of this Court. In the meantime, a detailed counter affidavit to the said affidavit may also be filed by the respondents.

No New Direction 27.09.2007

No New Direction 26.10.2007

No New Direction 23.11.2007

18.01.2011

Order

Status

1. In the special facts and circumstances of the case, we allow the University to take decision with regard to promotions of the applicants, on the basis of the recommendations of the Expert Committee. The decision taken by the University, however, shall be subject to the

University matter

result of the decision that may be taken in the joint meeting of the University of Allahabad. State Government and UGC, convened by the orders of Hon''ble High Court.

2. We are informed that the State Government has withdrawn the amount directed by us to be kept in PLA account. We are surprised as to how the State Government could have violated the orders passed by the Court and withdrawn the amount given to the college for its development and kept in PLA account. All the orders passed by us in the matter of preserving the amount kept in PLA account were passed in the presence of the Standing Counsel and that the Standing Counsel assures that he has communicated these orders to the State Government.

Complied

3. We are of the opinion that all these amount should be immediately restored back to PLA account to await further orders of their utilization by us. This order shall be immediately communicated to the Principal Secretary, Medical Education, Government of U.P. and the Finance Secretary Government of u.P.

Complied

No new direction 15.02.2008

No new direction 28.03.2008

Complied

No new direction 11.04.2008

No new direction 25.04.2008

No new direction 21.07.2008

25.07.2008

I, We are concerned about the general public and patients in the hospital, who are still in a state of uncertainty. As an interim measure we direct the University of Allahabad and the State Government to nominate responsible officers, who are competent to take decisions to site together, discuss and resolve to take measures for smooth transition of the hospital including its staff, equipment, funds as well as the projects which are under implementation and all other incidental matters to the State Government. The counsel appearing for the State Government and

Complied

the University shall produce the resolutions/ decisions taken in the meeting for consideration of the court on Monday.

28.07.2008

I, Shri M.C. Chaturvedi, Chief Standing Counsel has assured us that the patients care in the hospital will not suffer and that all efforts have been made and will continue to be made to maintain the standard of medical care in the hospital. He submits that the Chief Medical Superintendents for the S.R.N. Hospital and S.N. Children's Hospital will be appointed within a few days and that there will be no dearth or medicines and the equipments in the hospital.

Complied

3. We are informed that immediate steps are being taken for affiliation of the Medical College with Chhatrapati Sahu Ji Maharaj Medical University, Lucknow, U.P. We are prima-facie of the opinion that in order to allow smooth functioning of the S.R.N. Hospital and to continue with the medical care, the decisions taken

by the State Government with regard to the budget; employees; medical care, affiliation to the University, and the service condition of teachers as well as the decisions taken in the joint meeting of the University of Allahabad and the State Government with regard to the budget; employees; medical care, affiliation to the University, and the service condition of teachers as well as the decisions taken in the joint meeting of the University of Allahabad and the State Government will be communicated the general public by the issuing a communique to be published to be published by the State Government in the newspapers. This direction is given to avoid the uncertainty and chaos prevailing in the hospital. We further direct the State Government to appoint a Committee preferably headed by Shri Badal Chatterjee, Special Secretary, Medical Education to take care of the implementation of the decisions taken by the State Government and the University of Allahabad. The Committee may meet in accordance with its convenience and will submit a fortnightly report to the Court. It may also mention the difficulties which it may find in maintaining the decisions, if any, which require the directions from the Court. The first report will be submitted on or before 13th August, 2008. The State Government is also directed to give a definite time frame within which all the vacancies of teaching and non teaching posts will be filled up by the State Government.

Complied by State Government

29.08.2008

1. The Principal has intimated that 35 staff nurse in SRN Hospital, 3 staff nurse in SN Children Hospital and 01 Head Mistri have been appointed. So far as technical staff is concerned, the Principal has informed that 11 employees were operating generators and two for plumbing work are working. The process of recruitment of Class-III employees have been initiated vide advertisement dated 26.08.2008.

Complied

05.12.2008

1. Shri M.C. Chaturvedi, Chief Standing, Shri R.B. Pradhan Addl. Chief Standing Counsel, the Government Advocate and the petitioner visited the SRN Hospital to find out recent development and for compliance of the orders of the Court. They have noticed terrible state of affairs in the hospital. They found that in emergency ward there was no table and that four tables were joined for operating patients. The basic facilities of treatment were lacking. Monitors were not working in the emergency and that there were no medicines or life saving drugs available. When they visited medicine ward, burnt ward, surgery ward and orthopedic ward, they found that patients are not provided with even basic medicines and that everything has to be purchased from outside the hospital. It is reported that within few minutes Dr. U.S. Sinha, the Senior Medical Superintendent arrived and made gestures threatening the patients not to say

Need no comments.

a word, on which patients stopped giving any further information. They also found that 7 private wards, which were earlier allocated for cardiology department are lying vacant and are lying unused.

2. Shri Kapil Rathore, learned counsel appearing for Principal submits that emergencies, which according to him were earlier functioning properly, are no longer functioning properly, are no longer functioning and thus the construction of Trauma Centre for which an amount of Rs. 2.24 crores has been released, was absolutely necessary.

Trauma Centre building is under construction some equipments have purchased rupees about 5 Crore.

3. We are also surprised to learn that Principal of the college has proceeded on earned leave for two months for which requisite sanction was not obtained and had handed over the charge to a doctor, who was at Sl. No.16 in the order seniority. Shri Kapil Rathore appearing for Dr. P.C. Saxena, the Principal admits that principal had inspite of being on leave continued to exercise financial powers for the purposes, which are best known to him.

Need no comments

4. The basic functions inside the hospital are being looked after by a committee constitute by us headed by Shri Badal Chatterjee, Special Secretary in the Department of Medical Education. We direct the Principal Secretary, Medical Education to constitute a fact finding enquiry and to find out whether the facts alleged before us are correct and whether the hospital is functioning properly, as we have been informed from time to time.

Complied

5. It is also reported to us that there is not a single private ward with air-conditioning and that there is no ventilator functioning in the hospital. Shri Santosh Kumar Singh has brought these facts to the notice of this court and which has been verified by Shri R.B. Pradhan, Standing Counsel and Shri Satish Chaturvedi, who had visited the hospital on 13.11.2008.

At present now 7 A.C. Special Private Rooms has been renovated and established alongwith modern facility attached to kitchen and toilets. All ventilators are functioning.

6. The Secretary, U.P. Public Service Commission has been requested to fill up 101

Need no comments.

vacancies of lectures in the six State Medical College in the State. We are informed that interviews on these posts have been fixed and that these posts have been fixed and that these posts will be shortly filled up. The vacancies of nurses have not been filled up so far. The State Government to take steps to do

the same, On the next date the State Government will inform progress on, these matters. The Principal of the college will give his explanation of the aforesaid facts to the Principal Secretary, Medical Education.

Complied

23.01.2009

Order

Status

1. The Secretary, Medical Education has confirmed the complaints made before us and for which we had asked him to carry out inspection. He has reported that the condition of each of the departments was not satisfactory. The basic equipment was not available. The equipments purchased recently, were not in use and were in the state of disrepair. Most of the departments did not have basic sanitation and that the furniture was broken.

2. In last five years, beginning from 04.08.2004 SRN Hospital, the Sarojini Naidu Children's Hospital and M.D. Eye Hospital have received crores of rupees on the intervention of the Court for purchasing equipments. Sixty nine court orders have been passed, so far, covering almost all the aspects of the development of the hospital. The Municipal Corporation, the U.P. JalNigam and the U.P. Power Corporation have cooperated to improve the condition inside the hospital. Repeated orders were passed to remove encroachments, and the private enterprise inside the hospital. We have also issued several orders with regard to improving the sanitation, watch and ward, cattle and the nuisance created by the

Erstwhile Principal Dr. P.C. Saxena retired on 28th February, 2010.

outsiders. Repeat4ed attempts have been made in remove encroachments and to improve the patient care. For about three years in between when the Medical College was taken over by the Allahabad University, there was some improvement on account of expert intervention of the Medical Advisor. The things have turned back to the same condition.

3. It now transpires and has been confirmed by the Secretary, Medical Education, U.P. and the Director, Medical Education, UP. to which Shri M.C. Chaturvedi, Chief Standing Counsel also agrees that the present administration is incompetent and worthless and that no amount of encouragement and motivation can make them work. The Principal and the Chief Medical Superintendent have not taken any interest in the development of the hospitals. The Principal is still engaged in his private practice. Every time he finds excuse to implement the orders of the Court and every time he demands more and more money. We are now confirmed with our opinion, based on our experience of last five years that these hospitals with the present administration and management will not be able to serve the citizens.

SIC Dr. U.S. Sinha's charge from SIC was taken over and the same given to Dr. Shraddha Dwivedi at that time.

4. Now since the Secretary Medical Education U.P. and the Director General, Medical Education, U.P. have confirmed the facts and our concern, we leave it open to them to consider to take disciplinary action against the principal and the Senior Medical Superintendent after serving them an opportunity of hearing Shri M.C. Chaturvedi has assured us that the Government will consider to take appropriate measures to improve administration and management, so that these hospitals are able to serve the citizens. We hope that the deficiencies

pointed out by ShriSatishChaturvedi and found by the Principal Secretary/ will also be taken care of and that effective measures will be taken immediately, and that adequate arrangements will be made to bring in more effective and dynamic administration in the Medical College and the hospital

27.03.2009

1. The Director General, Medical Education and Training U.P. for a sum of Rs. 2,35,42,780/- (Rupees Two crores, thirty five lacs forty two thousand seven hundred and eighty only) to Shri R.B. Pradhan, Standing Counsel. According to ShriBaghel this amount is the balance of the amount received from the State of U.P. for development of S.R.N. Hospital and M.L.N. Medical College and was kept in PLA account when the hospital was under the control of the Central Government after expenditure of Rs. 1,80,98,009/- and Rs. 98,800/- against item No. (A) and (C) given in paragraphs 2 awaiting directions of the High Court.

2. The Director General, Medical Education and Training Government of U.P., Lucknow, is directed to keep the amount deposited in his official account. He shall not spend this amount. The utilization of this amount shall await the directions of the Court.

Hon"ble Court order is awaited for utilization of money deposit in the D.G.M.E. official account.

15.05.2009

1. We have allowed the Principal Secretary, Medical Education to take immediate effective steps to improve the conditions of the S.R.N. Hospital, and to take action against the Principal of the Medical College, and the Chief Medical Superintendent of the Hospital, Dr. U.S. Sinha, the Chief Medical Superintendent was relieved of his additional duties and that Dr. ShradhaDwivedi was given

Complied

charge of Chief Medical Superintendent on 25.02.2009. The conditions inside the hospital however has remained the same without any improvement and have rather worsened.

2. Ordinarily the High Court does not call and that we have not directed any officer of the State Government to appear in person in these proceedings so far. The overriding and compelling public interest, however, leaves us with no option but to summon the Principal Secretary, Medical Education and the Director

General, Medical Health, U.P. to appear in person in the steps have not been taken and the reasons for which our repeated orders passed in the last several years have been ignored.

3. We direct the respondents to allow ShriAkhilesh Kumar Pandey, Advocate of this court all the facilities to visit the hospital and the offices of S.R.N. Hospital, Children's Hospital and M.D.EyeHospita. He will also be given access to all the records both inside the hospital and the hospital. Any effort made to stop him from causing inspections and refusing to give him help will be treated to be as disobedience of the orders of the court. He will be provided with one senior resident or official of the hospital to introduce him to the staff of the hospital. The Senior Superintendent of Police, Allahabad is directed to provide a security Officer, whenever he visits the hospital after informing him. The Sub Inspector, Police Chowki inside the hospital is also directed to accompany him whenever ShriAkhilesh Kumar Pandey visits the hospital and shall provide protection to him to carry out his work. He will be allowed to photograph of videography of all the activities in these Hospitals.

Complied

22.05.2009

4. On the request of Sri M.C. Chaturvedi,

Complied

Chief Standing Counsel, put up this matter on 26.05.2009 at 1.30 pm in chambers ShriChaturvedi states that if the Principal Secretary is feeling well, he will attend the court on that date.

26.05.2009. No new direction.

10.07.2009

1. We had banned the strikes by the employees of hospital and provided a mechanism to redress the grievance of various categories of employees working in the hospital. The employees are first required raise their grievance before the Principal and thereafter with the State Government. If they are still not satisfied, they were given a right to approach the court and seek necessary orders.

2. It appears that the junior doctors have completely forgotten that they are drawing salary from the State Government and have important public duties to perform. They went on strike without following the procedure prescribed by us and paralyzed the functioning of the hospital for seven days.

3. As an interim measure, we direct that one month's salary of all the junior doctors, which is not paid to them, shall be withheld. The payment of one month's salary withheld by this order shall abide by further order to be passed by us.

Complied. One month salary withheld.

11.09.2009

1. In the 13th Inspection Report dated 19.08.2009, ShriAkhilesh Kumar Pandey, the amicus curie has informed the court that the cooling system in the operation theatre by orthopedic surgery is absolutely ineffective. The 28 rooms in the private ward are attached to toilet and kitchen, but not a single room is air conditioned and properly furnished. The maintenance of all the private wards are extremely poor. Hon"ble Mr. Justice SudhirAgarwal's daughter was operated in the orthopedic

Seven special private wards have been furnished. A.C. along with furniture.

For furnishing of 28 rooms of New Private wards. Proposal have been sent for furnishing. A.C., beds etc. and approach road to New Private ward has been sent to Government Road leading to mortuary has been constructed. Property with CC more over the needless surrounding road constructed

department. She, however, could not stay for more than a day as there was no air conditioned room available in the hospital. She had to be shifted nursing home. The road leading to mortuary left midway under construction, in bad condition. There is no cafeteria/restaurant for patients or their relatives. The parking space is not sufficient. The electrical power station is lying defunct and materials have been stolen. The entire front portion of the hospital is converted into small kitchens in evening by patients relatives to cook food. The autoclave machine in the children hospital is defunct. The whole children's hospital is littered with hospital waste, causing severely in sanitation. No diet is given to the children.

except small patches of near the gate road. But the condition of both entry gates are very poor due to encroachment and crowded of vender shops. In place of two small gate on large gate has been proposed to Government to manage the crowded and facilitate staff.

- Cafeteria / Restaurant for patients and their attendants has started from 2010.
- Power substation of the Medical College campus is still lying defunct in semi finished, several letters have been sent to Department for which U.P.P.C.L. may be summoned.

Steps are being taken in this regard for construction of kitchen for patients attendants. The Autoclave machine of S.N. Children Hospital. MAL Nutrition treatment unit started. Now the situation has been improved of disposing of wastage.

2. ShriPandey has reported that there are no committees constituted by the Principal of the Medical College to look after the needs of each department. There is serious shortage of medicines, and surgical items in the department. There is serious shortage of medicines and surgical items in the department, the detailed list of which is given in paragraph-8 of the report. ShriPandey further

reports that the blood bank is not functioning properly. The pathology is not working round the clock, and that a large number of nurses and para medical staff have left the job to join in different hospitals.

There is a purchase committee in the following members.

Principal

HOD, Medicine / Surgery/ Obst.& Gynaecology/ Paediatrics

Finance Controller

SIC, S.R.N. Hospital, Allahabad At present sufficient stock of Medicine but surgical items remaining short for which proposal has been sent to Government.

Blood bank is running properly. Two blood bank officer have been posted along with technical

staff.

Blood component separation unit

is running properly. We are

making PRBC Plasma and

Platelets.

Clinical pathology running round

the clock but at present shortage

of technical and other staff like

that 06 technician, 06 attendants,

06 sweepers and 03 security

round the clock.

3. It is reported that there is no Physicist in the Department of Radiotherapy and thus Cobalt unit proposed to be set-up will not be able to function. The department of Skin and Venereal Diseases is heavily under staffed. Dr. K.G. Singh, Professor and Head of Department has to look after 250-300 patients in a day. There is no resident in the department as P.G. Course has not been provided. There is not ward, nurse, ward boy, technician and clerk in the whole department, whereas Dr. K.G. Singh has to look after the Dermato Surgery and Contact Dermatitis. The Department of Gastroenterology and Hepatology has many machines like image intensifier and endoscope washer, out of order and redundant. There is no autoclave machines in the department.

A lecturer physicist was appointed but left his job after three months. Suitable direction may kindly be issue for appointment for lecturer physicist and also to Radiotherapy technician to be appointed. CSSD Unit working at S.R.N. Hospital

for sterilization.

4. In the 14th Inspection Report dated 02.09.2009, Shri Pandey has reported that Haemodialysis unit is not able to cater to all the patients. The three machines working from 8 AM to 2 PM in three shifts are too short to make good the need of the department. Only 6-8 patients undergo dialysis in a day. The 1009 patients were given treatment of dialysis from August 2008 to July, 2009. They waited for dialysis for several months. There is need for installation of five more dialysis machines.

Proposal for Dialysis machine sent to Government.

5. Shri Pandey has reported that there are frequent break down of electricity affecting operation theatres, ICUs and other emergency services. The clinical pathology is not working for 24 hours and that the department requires four clinical pathologists: four lab technicians: two lab attendants: two sweeper and three security men. The blood components separation unit is not licensed. The Drug Controller is not responding to the application made by the department.

Power break down still frequent.

Clinical Pathology is running 24 hours but still shortage staff. Blood components separation unit has been licensed and running 24 hours.

6. Dr. P.C. Saxena, Principal of the Medical College submits that the college is making efforts to improve the services in all the areas. He is looking after the needs of each and every department with Dr. Shraddha Dwivedi, SIC and that he will look into the reports and do the needful. He states that the licensing authority is not responding to the application for license of blood separation unit. There is need for at least five more dialysis machines. The physicist could not be appointed inspite of advertisements made by U.P. Public Service commission as no one had applied. As soon as the Cobalt Unit starts functioning, a physicist will be borrowed from Kamla Nehru Hospital for installing the units.

Proposal for 5 dialysis machine has been sent to Government.

Appointment of physicist is still pending for Cobalt unit is Govt.

7. Shri Akhilesh Kumar Pandey informs the court that during the peak hospital hours hundreds of medical representative can be seen roaming around inside the hospitals chasing doctors disturbing the hospital services and the patients. They are busy in promoting their drugs and medicines, distributing samples and offering freebies to the doctors, when they are busy in consultations, and surgical procedures. We take strong exception to their presence in the hospital during working hours. The Principal of the College is directed immediately stop the

Order complied regarding prohibition of Medical Representative in Hospital hours from 8 AM to 2 PM.

entry of the Medical Representatives in the hospital between 08.00 AM to 02.00 PM. They will be allowed entry only after 02.00 PM. The presence of medical representatives inside the hospital during working hours shall be strictly prohibited.

8. We take strong exception to the manner, in which the amount was sanctioned without obtaining an expert report or assessing the needs of each of the department through their hands. The casual manner, in which the works were identified and have been handed over to the U.P. JalNigam, deserves to be seriously condemned. The inspection was made on the reports given by ShriAkhilesh Kumar Pandey, amicus curie and at our initiative. The amicus curie or the court was not informed with the sanction of the amount. The State Government and the college have never informed us of any sanctions and development. The needs were not assessed. Dr. P.C. Saxena has admitted that a part of the amount is being spent for improving the Medical College, Lecture theatre, his office and residence.

By the Government order no.704/71-1-09-G-33/09, dated 20.02.2009 for Rs.403.67 lac and G.O. no. 452/71-1-09-G-32/09, dated 17.02.2009 for Rs.50.60 lac was sanctioned after submission of proposal. The work of renovation of lecture theatre, Principal Office, Residence (Guest House) were also included in these amount which was needed.

9. At a time, when we are concentrating to improve the hospital service, the Principal of the Medical College appears to be busy in decorating his office and residence. The officers of Indian Administration Service heading the technical services have no idea of the needs of the institutions providing professional services. The Secretary, has no his own visual observations and whims, drained out Rs.5 crores from public exchequer, apparently on our authority, without prioritising the projects. The Chief Standing Council Secretary, Government of U.P. ShriHarbhajan Singh will file a reply, whether he has sought, opinion of maintenance of Principal's office and residence in assessing the needs of hospital.

10. The Ram Briksh, ;the Project Manager, Construction and Design Service, Unit-3, U.P. JalNigam, Allahabad is present in person. We have received complaints from the amicus curie as well as Dr. ShraddhaDwivedi, CIC regarding the quality of the materials on the projects useless to the hospital, constructions and the delay caused by him.

Expert could not be nominated by the Director, MNNIT, Allahabad because after sometime the Hon''ble Supreme Court stayed further proceeding of PIL.

He appears to be doing the work on his own without any supervision. He has not been able to inform us the authority, which is supervising the works, and to approve the payments for the work completed by the unit. 11. The Unit-33, U.P. JalNigam, Allahabad is carrying out works at the cost of Rs. 45,81,04,000/- The Principal and CIC have not given any details of the work and the priority areas, where the work was required to be performed. In any case which condemning

the process by which the works were identified, and estimates were sanctioned, we find it appropriate to

get the quality of the work checked by an independent agency. We request the Director, Motilal Nehru National Institute Technology, Allahabad (MNNIT) to nominate an expert in Civil Engineering Department to visit the MLN Medical College, SRN Hospital and Children's Hospital to review the quality of work undertaken by the Unit-33 JalNigam, Allahabad and to submit a report to the Court, Shri Ram Briksh Project Manager, Unit-33, JalNigam, Allahabad is directed to cooperate with him in inspections and to give him all the documents and invoices for inspection. The Chief Standing Counsel, High Court, Allahabad is directed to provide Rs. 25,000/- as the cost of the review to the expert as his profession fees Shri R.B. Pradhan, Standing Counsel will accompany the nominated expert to visit the Medical College and the hospitals. The report will be submitted within one month.

12. A perusal of the affidavit of Dr. U.B. Yadav shows that in paragraphs 4 to 12 he has given the details of the duties performed and the time spent by him in the hospital. He has devoted these paragraphs in self praise of his sincere efforts and earnest intention to render services to the poor. Dr. U.B. Yadav has, however, offered a bare and bold denial to the contents of paragraphs 6, 7 and 8 of the affidavit in support of the intervention application. He has not specifically denied the allegations made in the affidavit of Shri Pradeep Kumar Yadav and has not denied that he has any connection with the nursing home in which he is alleged to have operated on the sister of the complainant and then left her demanding more money. Let Dr. U.B. Yadav file a specific reply to the contents of paragraphs 6 to 11 of the affidavit of Shri Pradeep

Dr. U.B. Yadav has been submitted his resignation which was forwarded to Government by Principal, MLN Medical College, Allahabad subsequently he has been transferred to Medical College, Ambedkar Nagar by the Government order no. ME-2/2011/4523-26, dated 11th March 2011.

Kumar Yadav, and the supplementary affidavit filed by him. He is reminded that he has given an affidavit in the Court that he is not carrying a private practice. He is also reminded to immediately stop doing private practice and to provide his services outside the MLN Medical College and SRN Hospital. If the allegations against Dr. U.B. Yadav are found to be established, he may have to face both departmental and criminal action.

13. In this context, we find it appropriate to direct the Chief Medical Officer, Allahabad to carry out inspections, of all the hospitals, nursing homes and clinics, diagnostic centres and drug stores in Allahabad, more particularly around the Medical College is doing private practice at such places. If any teacher of the Medical College is found practicing or receiving cut backs from diagnostic centres, the Chief Medical Officer will cancel the registration of the hospitals, nursing homes, clinics and diagnostic centres, and cancel licenses of drug stores

and if necessary seal them after giving a reasonable show cause notice to such person to be published in newspapers and after informing the court.

This para concern with the C.M.O. Allahabad.

Requires compliance by C.M.O.

14. Dr. P.C. Saxena has filed an affidavit, explaining the admissions to Post Graduate Course, after the Medical Council of India had stopped the Medical College to the admission. He has stated in paragraph-8 of the affidavit that all the MBBS students and PG students have been informed about the letters of the Medical Council of India dated 02.07.2009 and has annexed the order of the Court dated 03.03.2009 in Writ Petition No. 6984 of 2009m Dr. Vishal Kumar Singh and others Vs. Union of India and the order dated 06.04.2009 in Writ Petition No. 13536 to 2009 Dr. Dinesh Kumar Vs. State of U.P. and others and the order of the Supreme Court dated 22.04.2009 in SLP N. 9860 of 2009, by which these two orders were stayed by the Supreme Court.

Blood Component Separation Unit started and its properly functioning since one year and also posted two PMHS Doctors for smooth running department.

15. Order regarding posting of 2 PMHS Doctors in the Blood Bank to operate the blood bank round the clock as it was running few years ago before withdrawing their services and also running of Blood Component Separation Unit.

19. We make all our orders, which have not been complied with and in respect of which the works are incomplete detailed as above, absolute. Wherever the funds have not been provided, the State Government shall release them within a period of three months. The Medical College will be allowed to keep the unspent amount in PLA account and submit the report of the utilisation to the Principal Secretary, Medical Education, Government of UP.

20. We are not issuing directions for compliance of our orders dated 17.10.2008, 7.11.2008 and 24.7.2009, which have been set aside by Supreme Court in its order dated 15.12.2010. The orders on the status of compliance quoted above relate to only such orders, which have not been set aside by Supreme Court, and which the State Government and the Principal of Medical College have accepted in principle to be for the benefit of the Medical College, its hospitals, students, staff and the patients.

21. The petitioner appearing in person made a request to constitute a Committee to monitor the directions, which have not been complied with or for those in respect of which the compliance is incomplete. Our experience in this writ petition in monitoring the directions issued through the Committees, shows that most of the Committees constituted by us either at the State level or on the local level stopped taking interest after a few meetings. Hence we do not propose to make orders to constitute a Committee with the same result, and leave it open to the petitioner or any other public spirited person, who has any concern with improvement of the conditions of these hospitals to take up any of the above

directions, which have not been complied with or compliance of which is not completed, by filing a separate writ petition or filing a contempt petition for its compliance.

22. Before we part with the matter we may observe our satisfaction in making an effort to improve the conditions of the hospitals and the patient care. At the same time we also find that while most of the directions given to the State Government, and the staff were accepted for which the compliance reports were submitted, the teachers and the doctors of the college, in general did not have any regard for the compliance of the directions given to them. We found that most of them are busy, earning money from private practice. They hardly get time to attend to their duties in the hospitals and have to be reminded of their responsibilities. To them we have only a small message to convey; and which is a Bombay Hospital Motto, adopted from a quotation of Mahatma Gandhi:-

A patient is the most important person in our hospital. He is not an interruption to our work, he is the purpose of it. He is not an outsider in our hospital, he is a part of it. We are not doing him a favour by serving him, he is doing us a favour by giving us an opportunity to do so.

23. In the end, we express our appreciation for the interest taken by Shri Satish Chaturvedi, Senior Advocate (now Additional Advocate General of the Court) in taking up the cause and his commitment to improve the public health services, which he has pursued without any remuneration for last 14 years. We also express our appreciation for Shri R.B. Pradhan, Additional Chief Standing Counsel, High Court, Allahabad and Shri P.S. Baghel, Senior Advocate, now a Judge of this Court, in appearing for the University of Allahabad, for the valuable assistance given by them to the Court.

24. With the aforesaid observations and directions the proceedings in this public interest litigation, are closed, and the writ petition is disposed of.