

ORDER SHEET
**IN THE HIGH COURT OF SINDH,
 CIRCUIT COURT, HYDERABAD.**
 C.P. No.D-2306 of 2017

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For Katchapeshi.

21-08-2017.

Mr. AijazAwan, Advocate for petitioner
 Mr. Kamaluddin files Vakalatnama which is taken on record.
 Mr. Allah BachayoSoomro, Additional A.G. alongwithDr.AbdulAkram
 Qureshi on behalf of M/S of LUMS Jamshoro (respondent NO.4), Dr.
 Abdul Wahab M/S LUMS Hyderabad on behalf of respondent No.2 and
 Dr. Hakim Ali Talpur FSMO on behalf of respondent No.7 DHO
 Jamshoro.

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Through instant petition, petitioner has mainly emphasized over issues pertaining to District Hospital Kotri / Jamshoro and LMC Hospital Jamshoro which is teaching hospital. In addition, petitioner's seeks implementation of Sindh Health Commission Act, 2013. Learned AA.G present alongwith Medical Superintendent and DHO as well focal person of M/S Liaquat Medical Hospital seeks time to file comments as well counsel for LUMHS also seeks time to file comments.

2. Since issue with regard to implantation of Health Care Commission Act was resolved in a case of Nadir Ali reported in 2016 March 448 Sindh, and such judgment has been up-held by the Apex Court, which is fixed on this Thursday viz: 24.08.2017 for implementation therefore, there appears no reasons for entertaining a *decided* issue which even stood stamped by the Apex Court. However, what is important is that the *authorities* (quarter concerned) must show discharge of their obligation (part) so required by relevant laws as well insisted and instructed in the case *supra* which otherwise have got binding effects.

3. With regard to plea of petitioner that District Hospital Jamshoro has not been providing proper facilities to the residents of District Jamshoro as well Kotri. When confronted, M.S present contends that number of indoor patients is about 15 /20 per day approximately, whereas budget of the food for the year is Rs.82,00,000/- (Eighty Two Lacs); that there are only 3 wards in the hospital. Since every single *penny* is a trust and must not only be claimed to have been spent for *given* purpose but should be established to have been done *so*. The *Authority*, entrusted with such *money* should always be ready for an *audit*. The picture, so disclosed, makes it to bring it into light. Accordingly, M.S of District Hospital Jamshoro shall submit 5 years record with regard to allocation of budget and expenditure incurred thereon including amount allocated for food.

4. It is not only strange but surprising that how a District Hospital can be believed *least* expected to provide health facilities to common citizen when there are only three wards. Though, M.S claiming that there are surgeons and 2/3 operations/seizers, regarding delivery cases are done on daily basis. *Figure* is surprisingly low therefore, an attempt of M.S to justify *proper* providing of health care facility in a ‘**District Hospital**’ with *three (03)* wards only is not appealing; while four (04) cores is provided for medicines . Accordingly. Secretary Health shall submit their reply, whether a District Hospital having these facilities can avail a status of District Hospital or otherwise as well they shall submit their proposal that how they will up-grade these Hospitals having all facilities as per status / grades of *hospitals*.

5. At this juncture, M.S contends that new building for District Hospital was erected in 2012, having all equipment’s yet same is not handed over to the Health Department therefore, same is not functional. He contends that current SNE was also approved. Erection of building in year 2012 alongwith equipments despite lapse of years together, its not handing over to the quarter

concerned is quite strange rather speaks how the authorities have been dealing with the issue of *health care*. Accordingly, Secretary Health & Secretary Works and Services Department shall submit detail reasons with regard to non-handing over / receiving that hospitals.

6. We cannot stop here but find ourselves *helpless* to take notice that building was erected in 2012 with equipments which may have warrantees for certain periods hence there is possibility of such *warranty* to have come to an end even without proper use of the articles / machines etc. If so, who is to be held responsible and how delinquent person should be dealt with? These *affairs* cannot be taken *lightly* nor can be allowed to go unchecked. At this juncture M.S, contends that three inquiries have been conducted by Anti-Corruption, Accordingly chairman Anti-corruption shall submit all inquiries reports before this Court as well action taken thereof. Moreover, Mr. Rizwan Ahmed Taermizi Deputy Director Legal at Director Establishment, shall be assigned, to examine those enquiries and personally appear before this Court with his recommendation.

7. Further learned counsel for petitioner has emphasized that in LUMHS Jamshoro, there are forty five (45)wards, but Professors & Doctors are not performing their lawful duties as per their ethics and even as per their office timings. He also contends that the doctors & professors, and other permanent employees working in LMU are not getting their and their families treatment from same university hospital, on the contrary they get treatment from Agha Khan Hospital which is on their panel.

We cannot expect that professors and doctors and other employees who are working in Medical Universities in Public Sectors, they have no faith on their *hands* (hospitals) for treatment, surgeries and medical test, on the contrary they used to travel from Hyderabad to Karachi and get treatment from Agha Khan and other private Hospital and University is bearing their cost. It is

pertinent to mention that they are responsible to develop the trust and faith of the *people* which cannot be expected if they themselves avoid their own treatment in the institution, being run by themselves. Accordingly above referred persons shall not be permitted to get their treatment except the treatment and tests, which are not available in the university teaching hospitals. Further, we direct Vice Chancellor and Registrar of LUMHS Jamshoro, they shall submit complete break up of five years with regard to claim of medical bills with regard to treatment, reports, surgeries, of all employees of University (including professors, Associate, Assistant professors and doctors), such detail shall include their ailment and details of hospitals, where they were treated, as well they shall submit that which hospitals are on panel and on what criteria those hospitals have been selected with their bye-laws. Report shall be submitted within 2 weeks.

Further District & Sessions Judge, Jamshoro shall direct Judges for surprise visit of District Hospital Jamshoro at Kotri and LUMS hospital Jamshoro, that would be competent to pass any order / direction with regard to smooth work/cleaness, and other basic needs of patient and if he finds any illegality, he would be competent to call the concerned agencies for legal action as well direct any officer, in case of non-compliance, such delinquent officer shall be liable for contempt proceedings. Needless to mention that surprise must be weekly basis.

Office is directed to forward the copy of this order to all concerned.

To come up on 12.09.2017.

JUDGE

JUDGE