

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
C.P. No.D-2437 of 2020

Date Order with signature of Judge

Hearing of Case
For hearing of main case

19.05.2020

Mr. Farmanullah, Advocate a/w the Petitioners
Asim Iqbal, Advocate and M. Nadeem Anwar Shaikh,
Advocate and Mr. Saleem Michael, Advocate.
Mr. Owais Jamal, Advocate for Respondent No.4.
Mr. Asif Waheed Korejo, Advocate for Respondent No.5
a/w Mr. Ali Ahmed Turabi, Advocate.
Mr. Taimur Ali Mirza, Advocate for Respondent No.6
a/w Mr. Ali Nawaz Khuhawar, Advocate.
Mr. Hussain Ali Almani, Advocate for Agha Khan Hospital.
Barrister Sadia Qureshi, Senior Legal Officer,
Sindh Health Care Commission.
Mr. Kafil Ahmed Abbasi, D.A.G.
Mr. Hussain Bohra, Assistant Attorney General.
Mr. Jawad Dero, Addl. A.G. Sindh.
Ms. Qirah Motiwala, Advocate.
Dr. Sikandar Ali Memon, CTO, Health Department,
Government of Sindh present.
Dr. Abdul Saeed, Deputy Medical Superintendent
(Court Matters), Civil Hospital, Karachi present.
Mr. Riaz Gill, Assistant Director, JPMC present.
Dr. Seemi Jamali, Executive Director, JPMC.
Mr. Bahzad A. Memon, Deputy Director Central
Health Warehouse, Karachi, Ministry of
National Health Services, Regulations & Coordination,
Islamabad.
Dr. Omer Jung, Administrator, National Medical Centre.
Dr. Farhana Memon, Acting CEO, Sindh Health Care
Commission.
Dr. Sadia Rasul Virk, C.E.O. South City Hospital present.

On last date of hearing replies were filed by Jinnah Hospital and Civil Hospital (respondent Nos.8 and 9). Today on notice Dr. Farhana Memon, Acting C.E.O. of Sindh Health Care Commission appeared and filed a statement which is taken on record. On behalf of respondent No.4, Mr. Owais Jamal, Advocate has filed vakalatnama alongwith the statement. Dr. Omer Jung, Administrator of National Medical Centre, (respondent No.7) has also submitted a statement, whereas the

counsel for the Liaquat National Hospital (respondent No.5) has also submitted the parawise comments. The counsel for South City Hospital (respondent No.6) has also filed their reply. All copies have been provided to the counsel for the petitioners. The petitioners want to go through all replies including the undertaking submitted by Agha Khan Hospital. Nobody is present for the respondent No.10. Issue notice to the Medical Superintendent, Abbasi Shaheed Hospital through concerned Police Station to ensure his presence on the next date of hearing as despite two notices nobody bothered to attend the court. Dr. Sadia Rasul Virk, C.E.O. South City Hospital has also addressed the court that though they are providing all services including emergency and OPD to all their patients and the hospital is also running in full swing but she further stated that on their own expenses they have screened all their employees/paramedical staff in the larger public interest and some Covid-19 cases have been found positive and they have quarantined such employees, so she suggested that the similar move shall also be taken by all private and Government hospitals. Dr. Seemi Jamali, Executive Director, Jinnah Post Graduate Medical Centre (JPMC) is present and she has also disclosed that on screening of their paramedical staff/employees some staff have been found Covid-19 positive and they have been quarantined. Both doctors further submit that besides Covid-19 test there is another way to further ensure as to whether the person is suffering from Covid-19 pandemic or not i.e. chest C.T. scan. Dr. Seemi Jamali, Executive Director, JPMC and Dr. Abdul Saeed, Deputy Medical Superintendent, Civil Hospital informed the court that Sindh Government has provided 5000 each Personal Protective Equipment (PPE) to them for the safety and precautionary measures of their paramedical staff/employees. All representatives of the concerned hospitals have given a clear statement that they have not stopped the OPDs, first aid and emergency services in their hospitals including the undertaking given by the Agha Khan Hospital. The Acting C.E.O. of Sindh Health Care Commission has also given a clear statement that they are issuing a public notice for ensuring protection of Health Care Providers as

directed by the Health Minister. She has also stated that Commission has inspection teams for routine inspection as to whether all hospitals are performing their duties in accordance with their SOPs. She further submits that recently Commission has inspected hospitals i.e. respondent Nos.3 to 10 and found that they are performing their duties and functional in accordance with the SOPs issued by the SHCC, however, she orally submits that the respondent No.10 has closed the OPD for which we have already issued notice to the Medical Superintendent to appear in person. So far as the screening of the Covid-19 pandemic in the private hospitals as well as the Government hospitals is concerned, the Acting C.E.O. of Sindh Health Care Commission submits that as and when she receives any requisition from any such hospital, she deploys staff for the screening purposes and today her team has visited OMI Hospital for this purpose. She further submits that they have tested paramedical staff of 12 private hospitals and 06 public hospitals and also circulated the list of the hospitals on the website of Sindh Health Care Commission.

In view of the above situation, it is ordered that the respondent Nos.3 to 10 shall continue their OPDs, first aid and emergency services and in case any patient approaches them for any emergency treatment, they will first provide treatment and if they want to screen for Covid-19 pandemic on the basis of any symptom they can ask said patient for Covid-19 test. The Acting C.E.O. of Sindh Health Care Commission shall ensure the compliance of directions given by this court. The Acting C.E.O. of Sindh Health Care Commission shall also file the copy of press release and letters issued to all hospitals on the next date with compliance report of inspection of other private and public hospitals in Sindh and shall be present. By consent adjourned to 02.06.2020.

Copy of this order shall be supplied to Acting C.E.O., Sindh Health Care Commission and learned A.A.G.

Judge

Judge

