

Orissa High Court

Sri Dolamani Pradhan Son Of ... vs Union Of India And Five Others on 9 September, 2015

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IN THE HIGH COURT OF ORISSA : CUTTACK

W.P.(C) Nos. 13022 of 2015

In the matter of applications under Article 226 of  
Constitution of India.

Sri Dolamani Pradhan,  
S/o. Sridhar Pradhan,  
At- Rugudipada,  
Bolangir, Odisha .. Petitioner

-Versus-

Union of India & 5 others. .. Opp.Parties.

For Petitioner : Mr. Saroj Kumar Padhi,

For Opp.Parties : Mr. M.S. Sahoo,  
Addl. Government Advocate  
( For opp. party nos. 3 to 5)

PRESENT:

THE HONOURABLE CHIEF JUSTICE MR. D.H.WAGHELA  
AND  
THE HON'BLE MR JUSTICE BISWANATH RATH

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Date of Hearing : 09.09.2015 Date of Judgment : 09.09.2015  
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D.H.WAGHELA, C.J.

1. The petition in the nature of public interest litigation is by a Practicing Advocate who is not himself present in the Court.

2. It is submitted by Mr. Saroj Kumar Padhi who appears for the petitioner that several directions are required to be issued in terms of the prayer made in the petition. He however could not rely upon any legal provision conferring any right or cast any obligation in clear terms which could be enforced. The prayers are vague and general and they are couched in the following terms:

"(a) For an order directing respondents to immediately implement the NHM in the State of Odisha according to NHM and IPHS norms.

Specifically, to ensure adequate facilities are set up in order to deliver NRHM service guarantees, including but not limited to emergency obstetrical care, access to safe abortion services, a timely and adequate referral system, and access to a functioning blood bank.

(b) For an order mandating the immediate cleaning and sanitization of the unhygienic premises and the implementation of a community monitoring system to ensure the permanence of such hygiene on all health facility premises.

(c) For an order directing respondents to immediately ensure the appointment of a sufficient number of Doctors, health professionals and support staff that are available 24 hours and 7 days at all District Hospitals, as well as at each level- PHC, CHC, SHC- in Odisha.

(d) For an order directing the establishment of a better transport system linking rural areas with

Government Hospitals and PHCs with Sub Centres. Transportation must be free and not dependent on employment status. Ambulances must be available outside hospitals and their dispatching must not be conditional on the decision of the doctor, but promptly guaranteed without delay.

(e) For an order directing an audit and quality control review of all health facilities be done in the State of Odisha by a third party commission including representatives from civil society appointed by the Court. Further to make publicly available the findings of the Audit and the action taken on these findings.

(f) For an order directing the establishment of an efficient and

transparent mechanism to review and monitor the implementation and delivery of health services in particular the expenditure of Government funds received by the managing officials of health facilities in the area taking into consideration factors such as, conditions of health infrastructure, quality of care provided, drugs and medicines in stock, organization of awareness raising camps, and the use of ambulance service and to provide free transportation of a deceased back to the family's home for cremation in the event of a death at the government facility.

(g) Pass any order/s as this Honorable Court may deem fit and proper in light of the facts and circumstances of the case."

3. Learned Addl. Government Advocate appearing on advance copy submitted that the State Government is taking necessary steps from time to time and taking the averments made in the petition seriously, several improvement could be made in the health services in the State. He assured the Court that the petition as well as the present order shall be placed before the appropriate authority for necessary and expeditious improvement in the health services.

4. Recording the statement the petition is disposed with the hope that the opposite party concerned, more particularly, Health and Family Welfare Department of the State Government shall look into the matter and take necessary steps. In case of necessity, the State Government shall take up the matter with the Central Government where the Ministry of Health and Family Welfare, Government of India as also Ministry of Women and Child Development is involved.

Mr. D.K.Sahu, learned Central Government Counsel has assured that the Central Government will extend necessary co-operation to the State Government in improving the health services throughout the State.

Copy of the order be given to the learned Addl.

Government Advocate as also Mr. D.K.Sahu, learned Central Government Counsel.

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CHIEF JUSTICE .....

JUDGE Orissa High Court, Cuttack The 9h day of September, 2015/DMoharana