

SUPREME COURT OF INDIA

Cehat

Vs.

Union of India

(M.B.Shah,J., B.N. Agarwal and Arijit Pasayat JJ.)

11.12.2001

ORDER

1. Learned counsel for the petitioners has pointed out that in the affidavits tendered on behalf of the State Governments names of the members of the Advisory Committee are not disclosed and in any case are not published at the relevant places. In this view of the matter, the State Governments concerned are directed to publish the names of the members of the Advisory Committee in various districts so that if there is any complaint any citizen can approach them. Further, the statistics and information which are to be given in the affidavit should be given districtwise.

2. Mr Krishan Mahajan, the learned counsel appearing on behalf of the Union of India states that despite the necessary warning by the Secretary, Health Department (Family Welfare), Health Secretaries of various States are not responding and are not interested in implementing the Act as well as the various directions issued by this Court. Today, the learned counsel appearing on behalf of the petitioners has produced the chart based on the affidavits filed by the various States which indicates that there is no desire on the part of the administrators concerned to implement seriously the law and orders passed by this Court. For non-compliance with the orders passed by this Court. Secretary (Health Department) of the following States are directed to remain present before this Court on 29-1-2002:

"(1) Punjab. (2) Delhi, (3) Bihar, (4) Rajasthan. (5) Gujarat, (6) Haryana. (7) Uttar Pradesh, (8) Maharashtra, and (9) West Bengal."

3. It is alleged by the learned counsel for the petitioners that Dr Dahiya is transferred from Faridabad to Chandigarh only because he was taking appropriate action against defaulting clinics. For this purpose, learned counsel has placed reliance on the newspaper reports. In our view, if an efficient officer is transferred only because he was taking action against the defaulting clinics then certainly the action of the State Government is an unjustified one. In addition, the State of Haryana through its Health Secretary is directed to file necessary affidavit stating reasons for transfer of Dr Dahiya.

4. Learned counsel for the petitioners further submitted that the officers of various State Governments are wasting a lot of time in verifying where ultrasound machines are kept. She

pointed out that the data of ultrasound machines supplied to the clinics is available from the manufacturing companies as well as from the service contracts entered into by these clinics with those companies. It is also pointed out that in some cases these machines are also imported. For that also, names of the importers are easily available from the Customs Department. We, therefore, direct the following companies to supply the information as to how many machines they have sold to various clinics within the last five years including their names and addresses and also service contract to those clinics or individuals, as the case may be:

“1. Uma Parameshwaran, CEO, Wipro GE Medical Systems Ltd., A-1, Corporate Towers. Golden Enclave, Airport Road, Bangalore 560 017.

2. Toshbro Shimandzu Ltd., Khetan Bhawan, 2nd Floor, Mumbai 400 020.

3. Erbis Engineering Co. Ltd., 2E/12, 4th Jhandewalan Extn., New Delhi 110 005.

4. V. Prabhakar, CEO, ATL India Ltd., 79 and 94. Developed Plots, Perungadi. Chennai 600 096.

5. Larsen & Toubro Ltd. (Medical Equipment Divn.), L&T House, 10. Club House Road. Anna Salai, Post Bag No. 55247, Chennai 600 002.

6. International Medical Services Pvt. Ltd., 17, Industrial Estate, Maruti Complex, Gurgaon 122 015.

7. A.K. Khosla, Chairman, General Electric Co. of India Ltd., E-16, Greater Kailash, Part I, New Delhi 110 048.

8. Rajeev Dayal, President & CEO, HCL Picker Ltd., D-3, Community center, Poorvi Marg, Vasant Vihar, New Delhi 110 057.

9. Siemens Ltd., Mahape Workshop, Shilphata Road, behind MIDC Area, off Thane-Belapur Road, Village Mahape, Thane 400 601.”

5. For implementation of the Act and the rules it appears that it would be desirable if the Central Government frames appropriate rules with regard to sale of ultrasound machines to various clinics and issues directions not to sell machines to unregistered clinics. Learned counsel Mr Mahajan appearing for the Union of India submitted that appropriate action would be taken in this direction as early as possible.

6. Adjourned to 29-1 -2002.