

In CrI. Misc.-M No.19820 of 2011

Rajpal @ Labh Singh and another Vs. State of Haryana

Present: None for the petitioners.

Mr. Vikrant Sharma, Advocate
for PGIMER, Chandigarh.

Mr. Manoj Bajaj, Addl. A.G., Punjab

Mr. Roopak Bansal, Addl. A.G., Haryana

Mr. Sukant Gupta, Advocate
for UT, Chandigarh.

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Mr. Rahul Jain, Scientist-D, NIC, Haryana, who is present in court submitted that all the suggestions made for modification in the software for preparation of PMRs and MLRs have been incorporated therein. The same can now be used effectively.

Learned counsel appearing for the States of Punjab and Haryana, Union Territory, Chandigarh and the PGI, Chandigarh did not dispute the fact that at present they are not facing any problem in the modified version of the software, however, in case, some suggestions are to be given when it is extensively used, the exercise will be done through the respective Nodal Officers.

Learned counsels further submitted that the training of the trainers for the use of the software is in progress, which shall be concluded within next two- three weeks. Thereafter, those trainers will further train the doctors in all the districts, who have to use the software. Formally it can be made mandatory for all the doctors to prepare PMRs and MLRs on the software from December 3, 2012 onwards.

Learned counsel for the State of Haryana submitted that as the PMRs and MLRs are conducted even by ESI and private hospitals and the Medical Colleges, intimation about the order passed by this Court is required to be given to them as well. It would be appropriate if the intimation for the

purpose is given to the Indian Medical Association (Haryana Chapter), Haryana Medical Council and the Director, Medical Education and Research, Haryana. It is to ensure that all the doctors who conduct PMR/MLR may get the passwords issued for access to the software from the appropriate authority.

As far as the State of Punjab is concerned, learned counsel submitted that the appropriate authorities would be the Director, Medical Education and Research, Indian Medical Association (Punjab Chapter), Punjab Medical Council and Punjab Health Systems Corporation.

Learned counsel for the Union Territory, Chandigarh submitted that the concerned authorities, who have to be communicated the order, would be the Director Principal, Government Medical College, Sector 32, Chandigarh and the Indian Medical Council (Chandigarh Chapter).

As far as the PGI, Chandigarh is concerned, it is represented.

As per the stand taken by the learned counsel for the parties, preparation of PMRs and MLRs on web based software shall be mandatory from December 3, 2012 onwards by all concerned.

States of Punjab and Haryana, Union Territory, Chandigarh and the PGI, Chandigarh are represented. However, the intimation about the requirements be given to all concerned, who are preparing the PMRs and MLRs. They have to be issued necessary passwords for using the web based software. They may also have to be trained for the purpose.

The intimation about the requirement to different authorities as mentioned above and any other authority in the State of Haryana shall be given by the Principal Secretary, Health and Medical Education. In Punjab, it shall be given by the Principal Secretary, Health and Family Welfare. In Union Territory, Chandigarh, the exercise shall be done by the Director, Health and Family Welfare. The authority from whom passwords are to be got issued and who will train the doctors concerned be also specified in the communication.

Mr. Jain pointed out that after the use of the software in case any suggestions are to be given, exercise be done through the respective Nodal

Officers. Initially the modifications in the software can be considered after a period of six months, namely, in June, 2013 as after modifications in the software, security audit has to be conducted. Thereafter, the period after which the exercise for modification is to be done, may be after a longer duration.

Intimation about the requirements of preparation of the PMRs and MLRs on computers was given to all the private doctors and private medical colleges vide order dated 8.8.2011. They were given liberty to approach this Court in case they had any objection. But none of them has raised any objection.

As it will be mandatory for all concerned to use the software for preparation of PMRs and MLRs on web based software from December 3, 2012 onwards, in case, non-compliance of the order comes to the notice of the Nodal Officers, the same may be placed before this Court for appropriate action.

Mr. Jain further pointed out that the duration of the project is only up to December 2012. The amount which was contributed by the States of Punjab and Haryana has also exhausted. Manpower was engaged for the purpose till December 2012. As the process of training and issuance of passwords may continue even after December 2012, permission is required for engagement of the staff after December 2012. At present they have engaged four persons on contract basis for this project. He further submitted that normally, once the project is taken by NICS I after it is rolled out, one year hand holding is required to give the support.

The States of Punjab and Haryana shall pay a sum of ₹ 5 lacs each to the NICS I on or before the next date of hearing towards payment of salaries to the staff engaged on contract basis. The detailed requirements for one year for the staff shall be produced in Court by Mr. Jain on the next date of hearing so as to enable the States of Punjab and Haryana to pay that amount as well.

A copy of this order be also communicated to all the Courts concerned in the States of Punjab and Haryana and UT, Chandigarh by email and the Director General of Police, Punjab and Haryana and the I.G. (UT),

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Chandigarh to bring to their notice the requirements and also apprise this Court in case they notice any violation of the directions.

A copy of the order be also sent to the Regional Director, ESI, Chandigarh for compliance and further be given to the counsels appearing for the parties under the signatures of the Bench Secretary.

List on 18.12.2012.

(Rajesh Bindal)
Judge

06.11.2012
sk.