

IN THE SUPREME COURT OF PAKISTAN
(ORIGINAL JURISDICTION)

PRESENT:

MR. JUSTICE TASSADUQ HUSSAIN JILLANI, HCJ
MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE IQBAL HAMEEDUR RAHMAN

S.M.C. NO. 1 OF 2012 & C.M.A. NOs. 49-L/2012, 448-L/2012, 4055/2012, 5186/2012, 926-L OF 2013 & H.R.C. NO. 8634-S OF 2012

(Regarding death of more than 90 heart patients under treatment in Punjab Institute of Cardiology on account of spurious drugs)

In Attendance: Mr. Faisal Zaman Khan, Addl. A.G.
 Mr. Muhammad Zikria Sh, DAG
 Mr. Khurram Saeed, ASC (for Efroz Chemicals)
 Syed Zia Husnain, Federal Inspector Drug, DRAP
 Mr. Nadir Feroz, in person
 Mr. Hamid Khan, Sr. ASC (for Shaikh Zayad Hospital)
 Mr. Mehmood ul Islam, AOR
 Mr. Babar Hayat Tarar, Acting Secretary Health
 Mr. Shahid Hussain, Asstt Incharge, DRAP
 Mr. Mazher Sher Awan, Addl. P.G.

Date of Hearing: 26.12.2013

ORDER

THE CASE OF SHEIKH ZAYAD HOSPITAL

Mr. Babar Hayat Tarar, Secretary Health, Government of Punjab submits that the Provincial Government reiterates its undertaking to ensure that the autonomous status of the Shaikh Zayad Hospital would not be compromised rather the same shall be retained; that the Provincial Government has sent a Reference to the Federal Government to reconstitute the Board of Trustees of the Shaikh Zayad Bin Sultan An-Nahyan Trust and adds that the apprehension of the Members of the Faculty of Shaikh Zayad Hospital that the salary structure is likely to be adversely affected is misconceived. On Court query, he submits that the Provincial Government by way of interim arrangement had constituted a

Managing Committee comprising of eight members and is headed by Mr. Ishaq Dar, Federal Minister for Finance and the last meeting of the said Committee took place in March, 2013. The other Members of the Committee, according to him, are renowned public figures, Government Servants and two representatives / Faculty Members from Shaikh Zayad Hospital.

2. We would not like to comment any further on the working of the Shaikh Zayad Hospital and the grievances being agitated by Members of the Faculty in CMA No. 682-L/2013. However, the very fact that the Managing Committee did not have a meeting for the last more than nine months may not be a flattering commentary on the working of the institution. The Court was inclined to constitute a committee / commission by way of an interim arrangement to oversee the working of the Institution and to ensure that the above undertaking of the Provincial Government is given effect to in letter and spirit. However, on the assurance held out by the Secretary Health before this Court that the matter would shortly be resolved and the Reference sent to the Federal Government would lead to a more permanent arrangement, we adjourn the case for a date to be fixed by the office in the 2nd week of January, 2013.

THE CASE OF EFROZ CHEMICALS

3. Learned counsel for the Efroz Chemicals submits that petitioner is prepared to pay compensation to each bereaved family in terms of CMA No. 1624-L/2013. However, he adds that in deference to the observation of this Court, petitioner is prepared to increase the amount of compensation to the tune of Rs.400,000/- to each bereaved family provided the State drops the prosecution of

the criminal cases registered qua the occurrence; requests for three days time to seek instructions as to how soon the afore-referred compensation can be paid to the families.

4. Let notice be issued to the Prosecutor General Punjab as also to the Advocate General Punjab to appear after examining the matter and seeking instructions from the Competent Authority.

To come up on 30.12.2013.

CHIEF JUSTICE

JUDGE

JUDGE

Lahore, the
26th of December, 2013
Khurram