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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5119/2021**

DWARKA COURT BAR ASSOCIATION Petitioner

Through: Mr. Yashvardhan Singh Soam,
Advocate.

versus

STATE(NCT OF DELHI) & ORS. Respondent

Through: Mr. Rahul Mehra, Sr. Advocate and
Mr. Satyakam, Additional Standing
Counsel, Mr. Chaitanya Gosain and
Mr. Amanpreet Singh for R-1.

Mr. Chetan Sharma, Additional
Solicitor General and Mr. Anurag
Ahluwalia, CGSC, Mr. Amit Gupta,
Mr. Rishav Dubey, Mr. Saurabh
Tripathi and Mr. Sahaj Garg,
Advocates.

Mr. Rajshekhar Rao, Sr. Advocate
(Amicus Curiae) with Mr. Areeb
Amanullah, Ms. Mansi Sood and Ms.
Sonal Sarda, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

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O R D E R
15.07.2022

1. The petitioner before this Court Dwarka Court Bar Association has
filed the present petition as a Public Interest Litigation with the prayer for

issuance of appropriate writ or direction to the respondents to complete the construction of Indira Gandhi Super Speciality Hospital, Dwarka and also to provide all basic amenities/ infrastructure/ staff/ other facilities in the hospital.

2. The petition was filed in the year 2021 after the deadly corona virus had infected a large number of people in the society. The petitioner Bar Association came up with the grievance that in the second wave of COVID 19 Pandemic, as many as 20,000 cases were being reported per day. In spite of that, the infrastructure in front of the Court i.e. the hospital in question is available having as many as 1700 beds, but the same has not been made functional. The construction of the said hospital has not been completed even after expiry of 8 years from the date of its commencement. It has also been stated in the Writ Petition that the Dwarka sub-city is having more than 12 lakhs of population and it does not have a Government Hospital and the nearest hospital is Deen Dayal Upadhyaya Hospital, Hari Nagar. It has been further stated that on account of lack of medical infrastructure large number of people, including advocates/ judges/ court staff/ their families/ frontline workers are not getting appropriate treatment and, therefore, the hospital which is available in the locality should be made functional.

3. The petitioner has prayed for the following reliefs:

- “ (i) for a direction to the respondents to produce complete record;*
- (ii) for a direction seeking immediate action plan and starting of hospital services in the Indira Gandhi Hospital, Dwarka for treatment of patients including all services related to Covid treatment at the war level.*
- (iii) for issuing writ of mandamus to the respondents to provide medical services at the subject hospital with immediate effect*

take immediate action to direct the state government to start the above said Government Hospital immediately save precious lives of these frontline workers, citizen of Dwarka subcity including the Advocates, Judges and Court Staff and their families.

iv) to issue a writ of Mandamus against Respondents to immediately provide minimum 500 beds be reserved/ immediately sanction for Advocates and their families, 60 beds for judges and their families and 100 beds for Court staff and their families as per there strength (i.e 6000 Advocates, 60 Judges, 300 Court Staff and their families in danger) in Dwarka Subcity and most importantly at the subject government Hospital.

(v) for a direction to DDMA/ District Magistrate to take over the control of the condition with regard to said hospital if state government fails to provide the relief immediately.

(vi) for issuing writ of mandamus to central government for immediate opening, taking control and starting of the said hospital and to provide all necessary infrastructure immediately.

(vii) further, during the pendency of the Writ Petition Respondents may be directed to keep the reservation of (500+60+300) beds for Advocates, Judges, Staff Members and their families at any other place in the Dwarka Subcity at the cost of respondents so as no further precious lives are lost for the sake of denial of hospitalization.”

4. This Court, from time to time, has passed various orders in order to ensure that the hospital becomes completely functional and the respondents have filed status reports as directed by this Court from time to time.

5. The last status report filed by the respondents is dated 22.04.2022 and the same is reproduced as under:

A. *“That the Indira Gandhi Hospital at Sector 9, Dwarka, started as a dedicated COVID Hospital since 10-5-2021, is a 1241 bedded Hospital.*

B. *That the target was set for bed escalation in sequential steps for preparation for third wave of COVID pandemic with 1241 beds including 330 ICU beds by 20-10-2021 with in house Oxygen capacity to support oxygen requirements.*

C. *That the target for operationalisation of 1241 beds with 330 ICU beds has been achieved. It is submitted that all 1241 beds are oxygen supported beds.*

D. *The Present Status Report is being filed in faithful compliance of order dated 30/03/2022 of this Hon'ble Court.*

E. *It is submitted that a meeting of the Health and Family Welfare Department (hereinafter called 'The Department') and Administrative Reforms Department (hereinafter called 'AR Department' for short) was held and the proposal for creation of posts was discussed in detail. Administrative Reforms agreed to process the proposal of creation of additional posts in time bound manner. A write up regarding clarifications in reference to National Medical Commission norms was prepared and submitted to the Administrative Reforms department for further process of the proposal.*

F. *The Indira Gandhi Hospital has submitted the proposal of additional 1846 posts for creation and approval vide dated 17.02.2022 and the same was submitted to the AR Department on 18.02.2022.*

G. *AR Department has responded on 13.04.2022 with the recommendation of 918 posts of various categories i.e, 645 posts on regular basis and 273 posts on outsourced basis. The copy of the note sheet of AR Department is annexed herewith and marked as Annexure-A.*

H. *It is pertinent to mention that as per National Medical Commission, Medical College can be started after two years of running/functioning of Hospital, therefore $1204+918 = 2122$ sanctioned post is sufficient to run the hospital smoothly. It is also respectfully submitted that a copy of the orders of this Hon'ble Court have also been sent to office of Hon'ble Lieutenant Governor.*

I. *It is submitted that the directions issued by this Hon'ble Court have been brought to the notice of the Administrative Reforms department for information and compliance of the*

order. It is submitted that the department had also been briefed during meetings held with the said department.

J. *By way of a letter dated 19.04.2022 AR Department has explained the delay. The AR department among others has stated that the fresh consolidated proposal, comprising of various different cadre post, for functionalization of a full-fledged Indira Gandhi (Teaching) hospital has been expeditiously disposed by AR Department on utmost priority basis as per the direction of this Hon'ble Court. The copy of the letter dated 19.04.2022 is annexed herewith and marked as Annexure-B.*

K. *It is submitted that the emergency services were at first operational for Covid emergencies with effect from 10/05/2021 during the 2nd wave in the Indira Gandhi Hospital. However, as Covid admissions started declining, emergency services have now been extended for Non-Covid emergencies with effect from 11/04/2022. Hence, Emergency services are operational at Indira Gandhi Hospital.*

L. *It is most respectfully submitted that status on manpower engaged by the Hospital is as follows:*

<i>S . N o .</i>	<i>Designation</i>	<i>Sa nc tio ne d P os ts</i>	<i>Ava ilab le Staf f/ Posi tion</i>	<i>Remarks</i>
I	<i>Medical Category Posts</i>			
<i>I . 1 .</i>	<i>Medical Director</i>	<i>01</i>	<i>01</i>	
<i>I . 2</i>	<i>Medical Superintendent</i>	<i>01</i>	<i>00</i>	
<i>I . 3</i>	<i>Addl. Medical Superintendent</i>	<i>01</i>	<i>01</i>	
<i>I . 4</i>	<i>Dy Medical Superintendent</i>	<i>02</i>	<i>01</i>	
<i>I</i>	<i>GDMOs</i>	<i>18</i>	<i>18</i>	

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I 6 .	<i>Specialists</i>	36	13	<i>Interviews were conducted for engaging Contractual Specialists and file for approval of selected candidates has been submitted.</i>
I 7	<i>Senior Residents</i>	11 3	80	<i>There were no candidates in few specialities in the recently held interviews in March 2022. Interviews will again be held.</i>
I 8	<i>Junior Residents</i>	72	72	
I I	<i>Nursing Staff (NS, DNS, ANS, NS & Nursing officer)</i>	36 2	299	
I I	<i>Paramedical Staff</i>	99	63	
I V	<i>Administrative/Ministerial Staff</i>	32	22	
V	<i>Planning and Statistical Cadre</i>	08	04	
V I	<i>Accounts Cadre</i>			
V I	<i>DCA (Deputy Controller of Accounts</i>	1	01	

<i>1</i>				
<i>V I 2</i>	<i>Sr. Accounts Officer/Accounts officer</i>	<i>1</i>	<i>01</i>	
<i>V I 3</i>	<i>Assistant Account Officer</i>	<i>02</i>	<i>00</i>	
<i>V I I</i>	<i>IT Cadre</i>			
<i>V I I 1</i>	<i>System Analyst</i>	<i>01</i>	<i>01</i>	
<i>V I I 2</i>	<i>Assistant Programmer</i>	<i>01</i>	<i>00</i>	
<i>V I I 3</i>	<i>Data entry operators (Outsourced)</i>	<i>12</i>	<i>12</i>	
<i>V I I I</i>	<i>Group D (Now Group C)</i>			
<i>V I I I 1</i>	<i>Dresser</i>	<i>06</i>	<i>02</i>	
<i>V I I I 2</i>	<i>Plaster Room Assistant</i>	<i>04</i>	<i>00</i>	
<i>V I I I 3</i>	<i>Mortuary Attendant (Outsourced)</i>	<i>06</i>	<i>00</i>	<i>Is under process for Outsourc ing</i>
<i>V I I</i>	<i>Nursing Orderlies (Outsourced)</i>	<i>10 9</i>	<i>109</i>	<i>The Outsourc ing is as</i>

<i>I</i> . 4				<i>per the approved norms</i>
<i>V</i> <i>I</i> <i>I</i> <i>I</i> . 5	<i>Security Personnel (Outsourced)</i>	80	80	<i>The Outsourcing is as per the approved norms</i>
<i>V</i> <i>I</i> <i>I</i> <i>I</i> . 6	<i>Sanitation Supervisor (Outsourced)</i>	00	00	
<i>V</i> <i>I</i> <i>I</i> <i>I</i> . 7	<i>Sanitation Worker (Outsourced)</i>	23 6	233	<i>The Outsourcing is as per the approved norms</i>
	<i>Total</i>	12 04	101 3	

A detailed category wise status is as follows:

Category wise status

- i. **Specialists:** 13 Specialists have been posted by Health and Family Welfare Department.
- ii. **GDMOs-GDMOs** have been posted at Indira Gandhi Hospital against all the 18 posts of GDMOs and therefore the requirement was met.
- iii. **Nursing Staff and Paramedical Staff for recruitment on contractual basis:-** 176 Nursing Staff has been additionally posted at Indira Gandhi Hospital taking the total to 299 Nursing Officers in the Hospital. The total strength of Paramedical staff is 65 (including 2 dressers).
- iv. **Service and Progress Report of the Hospital – The Services and progress report of the Hospital is as under :-**
 - Presently around 1000 patients in OPD per day are seen. The number of patients seen in Emergency since 19/4/2022 are 1406.
 - The services operational in Indira Gandhi Hospital are – **OPD Services in following specialties**
 - i. **Medicine,**
 - ii. **Paediatrics,**

- iii. *Orthopaedics,*
- iv. *Respiratory Medicine,*
- v. *Ophthalmology,*
- vi. *ENT,*
- vii. *Dermatology,*
- viii. *Psychiatry,*
- ix. *Surgery*
- x. *Gynaecology*

IPD Services in following departments:

- i. *Medicine,*
- ii. *Paediatrics,*
- iii. *Orthopaedics,*
- iv. *Respiratory Medicine,*
- v. *Ophthalmology,*
- vi. *ENT,*
- vii. *Dermatology,*
- viii. *Psychiatry,*
- ix. *Surgery*

Dialysis Unit- A 20 bedded Dialysis service with 10 machines is functioning as a part of Pradhan Mantri National Dialysis Programme

Pharmacy Services

Other clinical Services

- i. *Animal Bites Services (Dog Bite 24x7)*
- ii. *Hypertension Clinic*
- iii. *Diabetic Clinic*
- iv. *Vaccination Services including Covid Vaccination*
- v. *Pre-Anesthetic Check Up Clinic*
- vi. *Leprosy Clinic*
- vii. *Geriatric Clinic*

O. *It is respectfully submitted that sufficient numbers of posts have been filled up in the hospital i.e. the posts required for current and near future number of OPDs and emergency have already been filled up and a close watch is being kept on the functioning of the hospital and the requirement of HR, equipment and other things.”*

6. The aforesaid status report makes it clear that the hospital is fully functional. 13 specialists have been posted by the Health and Family Welfare Department. General Duty Medical Officers have been posted against all 18 posts in the hospital. 299 Nursing Officers have been posted and at present as many as 1000 patients are being given treatment in the OPD per day. As many as 1406 patients have been given treatment under the emergency services. The status report also reveals that OPD services are available in as many as 10 specialities.

7. Indoor patient services are available in as many as 9 specialities. A dialysis unit is in existence which is functional under the Pradhan Mantri National Dialysis Programme. Pharmacy services have been made available and there are other clinical services like animal bites services, hypertension clinic, diabetic clinic, vaccination services, including covid vaccination, pre-anesthetic check up clinic, leprosy clinic and geriatric clinic is also functional.

8. The aforesaid status report also includes the status of manpower engaged by the hospital and against 1204 sanctioned posts, 1013 staff is available.

9. In the considered opinion of this Court, the deficit staff deserves to be recruited as early as possible and, therefore, 6 months' time is granted to recruit the staff against the vacant posts in the hospital.

10. The hospital in question is catering to the needs of the people in and around Dwarka and there is no other Government Hospital. The Secretary, Health and Family Welfare Department shall carry out a periodic review after every 6 months for enhancing the number of beds in the hospital and for enhancing the manpower in the hospital.

11. In the light of the aforesaid status report, as the hospital in question is fully functional, the present PIL stands disposed of.

12. No order as to costs.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

JULY 15, 2022/N.Khanna