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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 8548/2017 & CM APPLs.985/2024 and 50101/2024**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr.Ashok Agarwal, Advocate  
(Amicus Curiae) with Mr.Kumar  
Utkarsh, Ms.Ashna Khan and  
Mr.Manoj Kumar, Advocates.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr.Kirtiman Singh, CGSC with  
Mr.Waize Ali Noor, Mr.Ranjeev  
Khatana, Mr.Varun Pratap Singh and  
Mr.Maulik Khurrana, Advocates for  
UOI.  
Mr.Rahul Mehra, Sr.Advocate with  
Mr.Satyakam, ASC, Mr.Chaitanya  
Gosain and Mr.Pradyut Kashyap,  
Advocates for GNCTD.  
Mr.Siddharth Panda, Advocate for  
Expert Committee.

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**02.09.2024**

1. Present matter has been listed in pursuance to the letter dated 26<sup>th</sup> August, 2024 received from Dr. S.K. Sarin, Chairman Committee of Doctors appointed by this Court vide order dated 13<sup>th</sup> February, 2024. The said letter reads as under:-



“August 26, 2024  
The Hon’ble Acting Chief Justice  
High Court of Delhi,  
New Delhi-01

*Subject : Court order dated 31<sup>st</sup> July, 2024 passed in W.P.(C) 8548/2017  
titled as Court on its own motion/ Union of India & Ors.*

*Respected Sir,*

*In the above mentioned case, this Hon’ble Court had constituted a committee of Doctors vide its order dated 13<sup>th</sup> February, 2024 and had directed the committee to submit its report with regard to the status of medical services in Delhi along with its suggestions for improvement of the same. Accordingly, the Committee submitted its interim report along with recommendations on 01.04.2024 and later on a supplementary report was submitted on July 28, 2024.*

*The Hon’ble Court vide its order dated 31<sup>st</sup> July, 2024 has requested the Committee to examine the Status Report dated 23<sup>rd</sup> May, 2024 as well as the Status Report dated 26<sup>th</sup> July, 2024 submitted by the Govt. of NCTD of Delhi, and if necessary, conduct a factual verification and submit a detailed report on the implementation by the Government of NCT of Delhi to this Court within a period of four weeks.*

*The committee thanks the honourable court for having faith in its reports and accepting the recommendations. We would however, like to submit that for monitoring and verification of the implementation of the recommendations, the committee members feel challenges as 4 out of 6 members of the committee are working under the hospitals run by the Govt. of Delhi, and are sub-ordinate to the Govt.*

*Hence, it is requested that this Hon’ble Court may consider the current Committee to be recused from this new responsibility, and as deemed appropriate, to appoint another committee for this.*

*Thanking you*

*With regards,*

*Sd/-*

*Dr. S.K. Sarin*

*Chairman Committee”*

2. This Court is of the view that if four of the senior Doctors of GNCTD, after preparing well-deliberated exhaustive pro-bono report, recuse themselves from carrying out the Court mandate of monitoring and verification of implementation of its recommendations, it shows that all is not well in the Health Department, GNCTD.



3. In the opinion of this Court, the aforesaid letter speaks volumes.
4. This Court also takes judicial notice of the statements of the senior functionaries of Health Department, GNCTD in the press. Though the Health Minister, GNCTD blames officials for the sad state of affairs in the GNCTD hospitals, the Administrator, GNCTD blames political establishment in Delhi for the disorder and chaos in the Delhi Hospitals. It is pertinent to mention that this Court had summoned the Health Secretary, GNCTD and the Health Minister, GNCTD some months back in another contempt proceeding and orally suggested to them that they should work together amicably in a bid to improve the quality of health care of the citizens of Delhi. However, it seems that the said suggestion has not found favour with them.
5. This Court is prima facie of the opinion that GNCTD Health Department instead of declaring war on disease and misinformation seems to be at unease with itself.
6. Further, CM Appl. 50101/2024 has been filed by Ashok Agarwal, Amicus Curiae, seeking directions to create as many as 38,000 posts of doctors, specialists and paramedics for the upcoming twenty-four (24) Delhi Government Hospitals.
7. Learned Amicus Curiae states that the aforementioned twenty-four (24) Delhi Government Hospitals have been under construction for the past five to six years and are almost complete. He draws the attention of this Court to a press report published on 23<sup>rd</sup> August, 2024 in Hindustan Times Newspaper titled “*LG slams Delhi Govt. over ‘lack of planning’ for upcoming hospitals*”. He states that the controversy mentioned in the aforementioned report, which is with regard to which authority is



responsible for creating and recruiting the 38,000 doctors, specialists and paramedics for the upcoming twenty four (24) Delhi Government hospitals must be decided by this Court in order to avoid further delay in the full-fledged functioning of the twenty-four (24) hospitals.

8. It has become apparent from the complete lack of consensus between the bureaucrats and the Minister that the quality of healthcare services in Delhi continues to be dismal and the common man is the ultimate victim of apathy and indifference at the hands of those who are responsible for the present state of affairs.

9. This Court also takes judicial notice of the incident of rape in the hospital of State of West Bengal, where an alleged party worker who had been appointed on contractual basis in government hospitals is arrayed as an accused.

10. An extraordinary situation calls for extraordinary measures. After all, a common man cannot continue to suffer.

11. Consequently, this Court appoints Director, AIIMS to ensure that the reports of Doctor Sarin Committee is implemented in right earnest. For the purposes of implementing the said directions, the Director AIIMS shall forthwith take all the necessary steps including the constitution of the requisite team/task force to ensure the timely and expeditious implementation of the reports and the directions issued by this Court. If the emergency units of GNCTD and MCD hospitals are not working well, Director AIIMS should administer and manage them through AIIMS staff and/or contractual staff. The funds for this should be provided by the GNCTD. Director AIIMS is also permitted to buy or hire equipments, machines, drugs etc. according to the norms applicable at AIIMS. The funds



for this should also be provided by the GNCTD. The said Director AIIMS will also be allowed to raise funds through CSR donations, if required.

12. Chief Secretary GNCTD, Finance Secretary of GNCTD and Principal Secretary (Home), GNCTD are directed to ensure that any decision taken by the Director AIIMS Delhi is implemented forthwith including any decision to recruit paramedics or staff or Doctors on contractual basis till permanent recruitment through DSSSB or UPSC takes place.

13. Also, keeping in mind the circumstances placed on record by the said letter, it is clarified that the directions issued in Para 3 of the order dated 31<sup>st</sup> July, 2024 need not be complied with by the Expert Committee appointed vide order dated 13<sup>th</sup> February, 2024. It is however clarified that the GNCTD is nonetheless bound to implement the recommendations of the Expert Committee as has already been directed by the previous orders of this Court.

14. At this stage, Mr. Rahul Mehra, learned senior counsel for GNCTD states that a Committee headed by Hon'ble Lieutenant General of Delhi comprising the Hon'ble Health Minister-GNCTD, Chief Secretary-GNCTD, Secretary (Health)-GNCTD, Secretary (Services)-GNCTD and Secretary (Administrative Reforms)-GNCTD be directed to have a meeting so that 38,000 additional posts of doctors, specialists and paramedics can be created forthwith functioning of the upcoming twenty-four (24) hospitals. In our opinion, the suggestion is fair and reasonable.

15. Consequently, a meeting is directed to be held comprising the Hon'ble Health Minister-GNCTD, Chief Secretary-GNCTD, Secretary (Health)-GNCTD, Secretary (Services)-GNCTD and Secretary (Administrative Reforms)-GNCTD under the chairmanship of Hon'ble



Lieutenant Governor of Delhi within a week for creation of 38,000 additional posts of doctors, specialists and paramedics for the functioning of the upcoming twenty-four (24) hospitals.

16. In a newspaper report of Indian Express dated 22<sup>nd</sup> August, 2024, it has been reported that postings of twenty-three (23) doctors, who were selected through UPSC are awaiting appointments at Delhi Government Hospitals for over a year now. If that is so, GNCTD will ensure that notifications for appointment of twenty-three (23) doctors are issued within one week on the strength of this order.

17. GNCTD is directed to ensure that services of the four GNCTD doctors who formed a part of the Committee appointed by this Court vide order dated 13<sup>th</sup> February, 2024 are renewed for the next two years and that they are not victimized or harassed in any way during this period.

18. The next date of hearing i.e. 13<sup>th</sup> September, 2024 is cancelled. List on 30<sup>th</sup> September, 2024 at 3:30 p.m. The Director AIIMS shall file a status report at least three days prior to the next date of hearing.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**SEPTEMBER 02, 2024**

**TS**