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*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3903/2017 & CM APPLs.18718/2017, 19134/2017 and 27526/2018

COURT ON ITS OWN MOTIONPetitioner
Through: None

versus

UNION OF INDIA & ORSRespondents
Through:

Mr. Sanjay Jain, Sr. Adv. with Mrs. Avnish Ahlawat, Standing counsel, Mr. Anirudh Sharma, Mr. Nishank Tripathi, Ms. Harshita Sukhija, Ms. Palak Jain, Ms. Bani Dixit, Ms. Laavanya Kaushik, Advocates for GNCTD

Mr. Avishkar Singhvi, ASC, Mr. Naved Ahmed, Mr. Vivek Kr. Singh, Mr. Shubham Kumar, Advocates for GNCTD

Mr. Ravinder Agarwal, Advocate with Mr. Lekh Raj Singh, Advocate for UPSC

Mr. Sagar Saxena, Mr. Sarthak Pandey, Mr. Parmeet Singh, Advocates for JACSDO

Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Varun Rajawat, Mr. Kartik Baijal, Mr. Ranjeev Khatana, Mr. Varun P. Singh and Mr. Maulik Khurana, Advocates for UOI.



Ms. Arunima Dwivedi, CGSC, Ms. Swati Jhujhunwala, Ms. Pinky Pawar, Mr. Aakash Pathak, Advocates for UOI.

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W.P.(C) 8548/2017 & CM APPLs.985/2024 and 50101/2024

COURT ON ITS OWN MOTION

.....Petitioner

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

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Sanjay Jain, Sr. Adv. with Mrs. Avnish Ahlawat, Standing counsel, Mr. Anirudh Sharma, Mr. Nishank Tripathi, Ms. Harshita Sukhija, Ms. Palak Jain, Ms. Bani Dixit, Ms. Laavanya Kaushik, Mr. Nitesh Kumar Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat, Advocates for GNCTD

Mr. Rahul Mehra, Sr. Adv. with Mr. Satyakam, ASC, GNCTD

Mr. Ravinder Agarwal, Advocate with Mr. Lekh Raj Singh, Advocate for R-6 (UPSC)

Mr. VSR Krishna, Advocate for AIIMS



Mr. Siddharth Panda, Advocate with
Mr. Ritank, Mr. Anil Pandey,
Advocates for ILBS, Sarin Committee

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
15.10.2024

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1. Mr. VSR Krishna, learned counsel of AIIMS has filed status report dated 11th October, 2024 by Prof. M Srinivas, Director, AIIMS with respect to the steps taken in compliance of the orders dated 2nd September, 2024 and 30th September, 2024.
2. Mrs. Avnish Ahlawat, learned standing counsel GNCTD (Services) has filed an affidavit dated 11th October, 2024 of the Deputy Secretary, Department of Health and Family Welfare, GNCTD with respect to compliance of the directions issued vide order dated 30th September, 2024. This is in addition to the affidavit filed by the Deputy Secretary on 27th September, 2024.
3. Mr. Satyakam, Additional Standing counsel (Civil) has filed a Note of the Hon'ble Health Minister, GNCTD under cover of an index dated 12th October, 2024.
4. This Court has heard the submissions of the learned counsels for the parties and the Amicus Curiae.
5. Mr. VSR Krishna, learned counsel appearing for Prof. M Srinivas, Director, AIIMS states that after the last order dated 30th September, 2024, the Director has received ground support and co-operation from GNCTD. He states that steps are being taken for implementing the recommendations



of the Sarin Committee. He states that the next meeting with all the officials and persons who were present at the meeting dated 4th October, 2024, will be held within three weeks to review the compliances and implementation of the decisions taken. He states that the matter be posted immediately thereafter for submission of a fresh status report.

6. Mr. Rahul Mehra, Senior Advocate appearing for the Hon'ble Health Minister, GNCTD states that in the said status report, Prof. M Srinivas, Director, AIIMS at paragraph G has referred to an e-mail dated 9th October, 2024 which indicates that certain issues are pending with the Hon'ble Health Minister. He states that there were three issues which required the decision of the Hon'ble Health Minister and the decision of the Hon'ble Health Minister has been placed on record with the Note dated 12th October, 2024. He states that the said decisions may be duly considered by the Director, AIIMS while implementing the recommendations of the Sarin Committee. He states that the Hon'ble Health Minister has absolute faith in Director, AIIMS and will extend all support for ensuring implementation of the directions of Director, AIIMS.

7. Mr. Sanjay Jain, Senior Advocate as well states that the meeting held with the Director, AIIMS on 4th October, 2024 was fruitful.

8. We have perused the status report dated 27th September, 2024 filed by the Deputy Secretary, Health, GNCTD and it is observed that the status of completion of under construction hospitals has been set out at paragraph 6 of the said affidavit. In this affidavit under the heading 'BROWN FIELD' at Sr. Nos. 4, 7 and 8, GNCTD acknowledges that in these projects, 96% progress has been achieved. In the same affidavit at page-22, it is stated that the said projects can be completed during the current financial year. The affidavit



further states that 'posts' required for the said three (3) hospital projects will be created in next 15 days.

9. Mr. Sanjay Jain, Senior Advocate states that GNCTD will undertake compliance of the said statements made in the affidavit within the time stated therein.

10. Mr. Rahul Mehra, Senior Advocate as well states that all necessary financial resources for completion of the said projects will be raised and allocated.

11. We accordingly, direct GNCTD to ensure that Guru Gobind Singh Hospital, Sanjay Gandhi Memorial Hospital and Acharya Shree Bhikshu Govt. Hospital are completed within the current financial year and the 'posts' for the aforementioned hospitals are created within the next 15 days. The Finance Department of GNCTD will ensure that all necessary financial sanctions for giving effect to the aforesaid directions as regards posts and completion of construction are issued, without any delay. GNCTD will ensure that steps for appointments to these sanctioned posts are initiated and made within this financial year.

12. In addition, GNCTD is directed to place before this Court, on the next of hearing, its proposal to complete the 'BROWN FIELD' hospital projects enlisted at Sr. Nos. 5, 6, 9 and 13 as well as 'GREEN FIELD' hospital projects at Sr. Nos. 8, 9 and 10 considering that the progress in these projects is in the range of 74-87%. This Court is of the opinion that not completing these projects within a time bound manner may result in wastefulness of the amounts of the public exchequer already incurred on these projects.

13. The Deputy Secretary, GNCTD in the affidavit dated 11th October, 2024 has stated that the current budget allocation is not adequate for capital



expenditure and the operational expenditure required for completing the said projects and other on-going projects.

14. Mr. Rahul Mehra, Senior Advocate states that the Hon'ble Health Minister is willing to take steps for raising funds for the completion of the said projects and will examine allocation of funds.

15. GNCTD is directed to place on record, before the next date of hearing a status report with respect to the steps taken for completing the BROWN FIELD hospital projects enlisted at Sr. Nos. 5, 6, 9 and 13 as well as GREEN FIELD hospital projects.

16. During arguments, the learned counsel appearing before this Court acknowledge that strengthening the critical care infrastructure of the Delhi hospitals will enhance the capacity of the State to serve the citizenry and Director, AIIMS is well suited to take decisions on the measures required to implement the recommendations of the Sarin Committee.

17. Upon perusal of the status reports by Director, AIIMS, Deputy Secretary, GNCTD and the Note of the Hon'ble Health Minister, it is reiterated that final decision of the measures to be adopted for implementation of the recommendations of Sarin Committee will rest with Director, AIIMS. GNCTD will ensure that decisions taken by Director, AIIMS in implemented in a time bound manner. The suggestions made by the Secretary, Health or the Hon'ble Health Minister or any other official will be considered by Director, AIIMS, however, the final decision on the measures to be adopted will rest with Director, AIIMS alone.

18. The aforesaid direction is being issued as it is observed from the status report that there is far too much to 'n' fro of communications between



GNCTD and Director, AIIMS which is delaying the implementation of the recommendations and valuable time is being lost.

19. In view of the request made by Mr VSR Krishna, Advocate, we hereby direct that the next meeting of the officials and the persons who attended the meeting on 4th October, 2024 will now be held on 8th November, 2024 at 05:00 P.M. In addition, Mr. Ashok Aggarwal, Amicus Curiae will also be at liberty to participate and attend the said meeting.

20. The status report of Director, AIIMS be filed two days prior to the next date of hearing. We express hope that tangible proof of the implementation of the recommendations of the Sarin Committee will be placed before this Court.

21. List the matter for further directions on 13th November, 2024 at 04:00 P.M.

CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

OCTOBER 15, 2024/mt/MG