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

+ W.P. (C) 3032/2020

KARAN SETH

..... Petitioner

Through: Mr. Darpan Wadhwa, Senior
Advocate with Mr. Arjun Syal,
Mr. Karan Seth & Mr. Shwetank
Singh, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms. Anjana Gosain, Advocate for
respondent No.1.
Mr. Anupam Srivastava &
Mr. Dhairya Gupta, Advocates for
respondents No.2 & 3.
Mr. Anand Varma, Advocate for
respondent No.4/AIIMS.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE YOGESH KHANNA

ORDER

01.05.2020

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C.M. No. 10553/2020

1. Exemption allowed, subject to all just exceptions. The Court Fees be filed within two weeks.
2. The application stands disposed of.

W.P. (C) 3032/2020 and C.M. No. 10552/2020

3. Issue notice. Ms. Gosain accepts notice on behalf of respondent No.1;

Mr. Srivastava accepts notice on behalf of respondents No.2 & 3; and Mr.Varma accepts notice on behalf of respondent No.4.

4. This Public Interest Litigation (PIL) has been filed by the petitioner to address the grievance of about hundred out station patients and their attendants, who, it is stated, were earlier being provided treatment at the All India Institute of Medical Sciences, Delhi (AIIMS) for several ailments. Mr.Wadhwa submits that due to the onset of the Covid-19 Pandemic, AIIMS stands converted into an exclusive facility to treat Covid-19 patients. Consequently, these patients are not being provided treatment at AIIMS any longer. The first grievance relates to these patients being provided treatment free-of-charge at AIIMS, or, alternatively, at other Government hospitals in the NCT of Delhi.

5. The second grievance that Mr. Wadhwa has raised is that these patients and their attendants are being housed in *Rain Baseras* opposite the AIIMS. He has referred to photographs which have been filed on record, to show that social distancing norms are not being maintained in these *Rain Baseras*. Mr. Wadhwa submits that many of these patients are suffering from serious ailments such as Cancer, and their natural immunity is low, and some of these patients run the risk of contracting the Covid-19 Virus, if they continue to live in such conditions.

6. Mr. Srivastava – who appears on behalf of the Government of NCT of Delhi (GNCTD), submits that the petitioner should implead Delhi Urban Shelter Improvement Board (DUSIB) as a party respondent, since the aspect of providing accommodation to these patients and their attendants squarely

falls within the scope of the responsibilities of DUSIB.

7. We, accordingly, direct the petitioner to implead DUSIB as a party respondent. Notice be served upon DUSIB for the next date along with a copy of this order by all permitted modes. The amended memo of parties be filed before the next date of hearing.

8. The GNCTD/ DUSIB have filed the status reports which disclose that the occupants of the *Rain Baseras* are in the process of being shifted to Gargi School Building, which is stated to be located in Green Park Extension. It is also disclosed that as against the capacity of 568 persons in 11 such tents, 255 persons were being sheltered.

9. On this being pointed out, Mr. Wadhwa submits that earlier as well, the said school facility was looked at to shift migrants, so as to maintain the social distancing norms, however, due to sanitisation issues, the facility was not made operational. Mr. Srivastava states, on instructions, that the issue of sanitisation would be taken care of before shifting the said patients and their attendants. He further states that by today afternoon, the process of shifting would be completed. Let a further status report be filed in this respect before the next date.

10. On the other aspect of these patients receiving treatment, Mr. Anand Varma, who appears for respondent No.4/ AIIMS submits that the main AIIMS facility is not an exclusive Covid-19 facility, and the AIIMS continues to treat patients with other ailments. He submits that he may be granted time to place on record a status report. He points out that about ten days back, a team of doctors from the AIIMS have visited the *Rain Baseras*

and identified those patients who required hospitalisation, and two such patients were admitted in the concerned departments of the AIIMS.

11. Mr. Wadhwa has pointed out that the GNCTD has come out with an Office Memorandum dated 13.04.2020 on the subject of amendment to the guidelines issued for operationalising assistance through Delhi Arogya Kosh (DAK). He submits that the eligibility to avail of the said facility is that the patient should be a resident of Delhi – identified on the basis of EPIC (Voter ID Card) of Delhi. He submits that since these patients and their attendants hail from other places, and are not residents of NCT of Delhi, in case they are not provided treatment at AIIMS, they may be deprived of free treatment.

12. Mr. Srivastava points out that this office memorandum only deals with the aspect of cashless treatment – which is a facility extended by the GNCTD, to the residents of Delhi.

13. We direct the Union of India and the GNCTD to place on record the list of hospitals where these patients could receive treatment for ailments other than Covid-19, free-of-cost according to their eligibility. Respondent No.4 shall also state whether these patients could be provided treatment at AIIMS itself, as they were receiving earlier. Let status reports in these respects be filed by the respondents before the next date and copies be served on learned counsel for the petitioner.

14. In the meantime, we direct the petitioner to prepare a list of patients in respect of whom the present petition has been preferred. The said list should include their name, age, the particular ailment that they are suffering from,

and the ID number issued by AIIMS (in case they have received treatment at AIIMS), or any other Government Hospital where they may have received treatment earlier. The said list shall be prepared by the evening of 04.05.2020, and the same be communicated to Ms. Gosain, Mr. Varma and Mr. Srivastava. The petitioner and others – who may accompany him, to prepare the aforesaid list, shall be permitted to visit the Gargi School facility where these patients and attendants are being shifted today to be able to prepare the said list.

15. List on 08.05.2020.

VIPIN SANGHI, J

YOGESH KHANNA, J

MAY 01, 2020
B.S. Rohella