

178/USDMA/838(2020)

From,

Amit Singh Negi
Secretary
Disaster Management
Government of Uttarakhand

To,

Shri Paresh Tripathi
Chief Standing Counsel
High Court of Uttarakhand
Nainital

Dehradun

15 May, 2020

Sub.: Writ Petition (PIL) No. 61 of 2020 Akshay Sharma v/s Union of India and others.

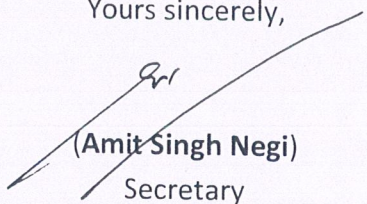
Dear. Sir,

With reference to the above mentioned Writ Petition and your letter dated 14th May, 2020 the following facts may kindly be brought to the knowledge of the Hon'ble High Court:

1. The State Government is reporting district wise details of the number of COVID-19 positive and recovered persons on daily basis to the Government of India.
2. The classification of the districts has been done by letter No. Z.28015/19/2020-EMR dated 30th April, 2020 of the Ministry of Health and Family Welfare, Government of India.
3. As stated in the above letter the list is dynamic and classification is multi-factorial and takes into consideration incidence of cases, doubling rate, extent of testing and surveillance feedback and not just number of cases as in being contended by the Petitioner.
4. The order No. 40-3/2020-DM-I(A) dated 1st May, 2020 of the Ministry of Home Affairs extending the lockdown period for two weeks from 4th May, 2020 provides guidelines to be followed in red, orange and green zones and the State Government is abiding by these.
5. Copies of the above quoted letter and order are enclosed for the reference of the Hon'ble High Court.

Annexure: as above

Yours sincerely,


(Amit Singh Negi)
Secretary

Paresh Tripathi
Chief Standing Counsel
Uttarakhand Government
High Court of Uttarakhand
Nainital Pin - 263001



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MOST URGENT

Date: 14-5-2020

Supply of Instructions positively by 11:00 A.M. on 16-5-2020.

To,

- 1-The Chief Secretary, Uttarakhand Government, Dehradun.
- 2-The Secretary, Disaster Management Department, Uttarakhand Government, Dehradun.
- 3-The District Magistrate, Haridwar.

Subject:- Writ Petition (PIL) No. 61 of 2020 "Akshay Sharma Vs. Union of India & Others".

Sir,

The aforementioned PIL Writ Petition has been filed by the petitioner through e-mail before this Hon'ble Court seeking therein the main relief to issue a writ in the nature of certiorari thereby quashing the classification of District Haridwar as Red Zone or Hotspot District by respondent no. 1 i.e. Health Secretary, Ministry of Health & Family Welfare, Uttarakhand Government, vide its letter no. D.O. No. Z. 28015 19/2020-EMR dated 30-4-2020.

Today the aforementioned PIL Writ Petition came up for consideration before the Hon'ble Court through video conferencing. The Hon'ble Court, after hearing the Learned Advocate General, assisted by the undersigned, and Mr. K.N. Joshi, Dy. A.G.; Mr. S.S. Chauhan, Dy. A.G.; Mr. Anil Bisht, S.C.; Mr. B.S. Parihar, S.C.; Mr. Vikas Pandey, S.C.; Mr. S.S. Chaudhary, B.H.; Mr. Suyash Pant, B.H.; Mr. Sushil Vashistha; Mr. V.S. Rawat, B.H.; Mr. Devesh Ghildiyal, B.H.; Mr. J.C. Pandey, B.H. and Mr. B.P.S. Mer, B.H. has been pleased to call upon the Learned Assistant Solicitor General of India, representing the Central Government whose order has been challenged, seeking clarification on the point as to:-

"Why, District Haridwar has been declared as Red Zone while District Dehradun is having much more cases than District Haridwar?"

On this query, the Learned Assistant Solicitor General of India, representing Union of India, submitted that the order classifying the District, which is impugned in the present PIL Writ Petition, has been issued on the basis of the recommendation made by the State of Uttarakhand.

On this, the Hon'ble Court has been pleased to call upon the State Government. Accordingly, the State Government submitted that the facts and figures were supplied by the State of Uttarakhand as per the direction issued by the Government of India i.e. as per the total number of active cases, doubling rate of confirmed cases etc. and the classification was made by the Government of India.

The Hon'ble Court, after hearing the parties, has also been pleased to direct the undersigned to seek instructions on the point:-

"As to why the State of Uttarakhand has recommended for categorization of District Haridwar as Red Zone ?, when the cases in District Dehradun & in District Nainital are much more than in District Haridwar and thus there appears to be some discrimination in classifying Dehradun & Nainital as Orange zone AND Haridwar as Red zone".

It was also submitted before the Hon'ble Court that after the commencement of Lockdown-4 by Hon'ble the Prime Minister of India, there is possibility of change of classification from 18-5-2020.

Paresh Tripathi
Chief Standing Counsel
Uttarakhand Government
High Court of Uttarakhand
Nainital Pin - 263001



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The Hon'ble Court has been pleased to post the matter for 18-5-2020 for further hearing.

As such please look into the matter and ensure to supply the instructions, replying the above query of the Hon'ble Court, positively by 11:00 A.M. on 16-5-2020 through e-mail so that the case be prepared and the Hon'ble Court may be apprised accordingly at the time of hearing on 18-5-2020; failing which, if any adverse order is passed by the Hon'ble Court, the Office of Chief Standing Counsel shall not be responsible for the same.

Please note, the contents of this letter are based on the order dated 14-5-2020 as pronounced by the Hon'ble Court through video conferencing in the matter and the certified P.D.F. copy of the same has been applied which will be sent to you as soon as received from the Registry of the Hon'ble Court.

With regards,

Yours sincerely,

AGV

(Paresh Tripathi)
Chief Standing Counsel

Date: 14-5-2020

Copy forwarded for information to:-

- 1-The Additional Chief Secretary to Hon'ble the Chief Minister, Uttarakhand Government, Dehradun.
- 2-The Secretary, Law-cum-L.R., Uttarakhand Government, Dehradun.

Date: 14-5-2020

(Paresh Tripathi)
Chief Standing Counsel