MOST URGENT/OUT AT ONCE

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQs) : DELHI

No. 35362-375/F- 705/Lit./2021 Delhi, Dated 22 JUN 2021

To

1. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (Central)- (I, II & III)
Tis Hazari Courts, Delhi
2. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (West),
Tis Hazari Courts, Delhi
3. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (South-West),
Dwarka Courts, New Delhi
4. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (North-East),
Karkardooma Courts, Delhi
5 The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (East),
Karkardooma Courts, Delhi
6 The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (Shahdara),
Karkardooma Courts, Delhi
7. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (New Delhi),
Patiala House Courts, New Delhi
8. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (Rouse Avenue Court)
New Delhi
9. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (South),
Saket Court Complex, New Delhi
10. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (South-East),
Saket Court Complex, New Delhi
11. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (North- West),
Rohini Court Complex, Delhi
12. The Sr. Administrative Officer (J)/Branch Incharge
Administration Branch (North),
Rohini Court Complex, Delhi

Sub : W.P. (C) No. 5067/2021, titled as Shobha Gupta and Anr. Vs. Union of India & Ors. filed before the Hon'ble High Court of Delhi.

Madam / Sir,

As directed, please find enclosed herewith the copy of order/judgment dated 27.05.2021 passed by the Hon'ble High Court of Delhi in the subject matter for information and necessary action.

Thanking you,

Yours faithfully,

(Darshan Singh)
Branch Incharge, Litigation Branch(Central)

Encls. As stated above.

$~1 & 10.

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

\+ **W.P.(C) 5067/2021 and C.M. No.15939/2021**

SHOBHA GUPTA AND ANR. ..... Petitioners

Through: Ms. Shobha Gupta, petitioner No.1 in person.

versus

UNION OF INDIA AND ORS. ..... Respondents

Through: Mr. Anil Soni, CGSC for respondent/ Union of India.
Mr. Rahul Mehra, Senior Advocate with Mr.Satyakam, ASC along with Mr. Aditya P Khanna and Mr.Shashank Tiwari, advocates for respondents/ GNCTD.
Ms. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Tania Ahlawat & Ms. Palak Rohmetra, Advocates for respondents No.5 & 7.
Mr. Dayan Krishnan, Sr. Advocate along with Mr. Sumit Chander and Mr. Gurdeep Chauhan, Advocates for Applicant in C.M. No. 15939/2021.

\+ **W.P.(C) 5253/2021 and C.M. Nos. 17279/2021 & 17280/2021**

TANVEER AHMED MIR PETITIONER IN PERSON..... Petitioner

Through: Mr. Dheeraj Gupta, Advocate with petitioner in person.

versus

STATE OF NCT DELHI & ORS. ..... Respondents

Through: Mr. Rahul Mehra, Senior Advocate with Mr.Satyakam, ASC along with Mr. Aditya P Khanna and Mr.Shashank Tiwari, advocates for

respondents/ GNCTD.
Mr. Amit Gupta & Mr. Hari Shankar Mahapatra, Advocates for respondent No.5.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **27.05.2021**

1. We have heard Mr. Dayan Krishnan, learned senior counsel representing the Association of Judicial Officers as well as Mr. Rahul Mehra, learned senior counsel representing the GNCTD.

2. Mr. Krishnan submits that after passing of our last order dated 19.05.2021, the GNCTD has approached the whole matter in a positive manner, for which he expresses his appreciation. He states that the Principal Secretary (Law) has been appointed as the Central Nodal Officer for the purpose of interacting with all the District Judges in the matter of providing medical assistance required for Covid-19 patients amongst the Judicial Officers. He further submits that the Committee appointed by the Hon'ble the Chief Justice of High Court of Delhi, headed by Hon'ble Ms. Justice Mukta Gupta with two other appointed members Hon'ble Ms. Justice Prathiba M. Singh and Hon'ble Mr. Justice Navin Chawla has issued directions in relation to the expenditure incurred on treatment of Judicial Officers and the said aspect is, therefore, taken care of. He submits that the GNCTD has declared the Judicial Officers as 'Frontline Workers' for the purpose of vaccination.

3. Mr. Mehra states that the said category of 'Frontline Workers' is created primarily for the purpose of vaccination. However, it goes without saying that since the Judicial Officers have been declared as 'Frontline Workers', if in future, there are any other aspect in relation to which 'Frontline Workers' are prioritised, the same shall also be applicable to the Judicial Officers.

4. Mr. Krishnan submits that the aspect relating to grant of Ex-Gratia Compensation and Compassionate Appointment to the family members of the deceased Judicial Officer, the GNCTD stated that they are looking into the said aspect.

5. We hope & expect the GNCTD to approach these issues with adequate empathy and sensitivity considering the fact that the Judicial Officers have been recognised as 'Frontline Workers' by the GNCTD itself.

6. Mr. Mir – who appears in W.P.(C.) No. 5253/2021, has urged that the Staff of the High Court of Delhi and the District Judiciary who undertook treatment at non-empanelled hospitals should be provided with full reimbursements.

7. Mr. Mehra has drawn our attention to paragraph 2(vi) of their status report dated 26.05.2021 (filed in W.P.(C) 5067/2021), wherein it is stated as follows:

> *"2. (vi) With regard to the refund/ reimbursement of the medical bills paid by the Judicial Officers for COVID-19 treatment in private non-empanelled hospitals, it was informed by Director, DGHS in the meeting held on 21.05.2021 with the representatives of DJSA that already there is a system / procedure prevailing in GNCTD wherein such kind of cases are referred by the concerned Departments to Delhi Government*

Employees Health Scheme (DGEHS), which has been set-up since April 1997 with a view to provide comprehensive medical facilities to Delhi Government employees and pensioners and their dependents on the pattern of Central Government Health Scheme. These cases are examined and considered by a committee and thereafter decisions are taken on merits of the cases. It has been decided that the same procedure would be applicable in respect of the claims of Judicial Officers and that their claims will be decided expeditiously."

8. There are sufficient judicial precedents available which deal with the situations where a Government employee, in emergency, undertakes treatment in a non-empanelled hospital and these decisions state as to how the amounts have to be reimbursed to the extent they have to be reimbursed. In our view, it would be premature and not justified for us to pass any blanket orders directing the Government to allow all such claims *in toto,* as such claims would have to be examined in the facts of each case and law applicable thereto.

9. In our view, all issues raised in these petitions stand addressed at this stage. We would, therefore, dispose of these petitions and we grant liberty to the petitioners as well as the Association of the Judicial Officers to approach the Court in case any issue arises in future.

10. W.P.(C.) No. 5253/2021 need not be listed on 04.06.2021.

VIPIN SANGHI, J

JASMEET SINGH, J

MAY 27, 2021
B.S. Rohella