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

+ W.P.(C) 3511/2020

COURT ON ITS OWN MOTION Petitioner

Through: Court on its own motion

versus

UNION OF INDIA & ORS. Respondents

Through: Mr.Anil Soni, CGSC for R-1 & R-2

Mr. Sanjay Jain, ASG with Mr. Satyakam, ASC for R-3 & R-4

Mr. Akhil Mittal, Standing Counsel for North DMC - R-5 to R-7 with Mr.Bishwajeet Roy – Dy. Controller of Accounts, North DMC.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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12.06.2020

Proceedings of the matter have been conducted through video conferencing.

1. Issue notice. Mr. Anil Soni, learned CGSC accepts notice on behalf of respondent Nos.1 and 2. Mr. Satyakam, learned ASC accepts notice on behalf of respondent Nos.3 and 4 and Mr. Akhil Mittal, learned Standing Counsel accepts notice on behalf of respondent Nos.5, 6 and 7.

2. Issue notice to respondent Nos.8 and 9 without process fee to be

served through respondent Nos. 6 & 7 i.e. Medical Superintendents of Kasturba Hospital and Hindu Rao Hospital, returnable on 08.07.2020.

3. This Court has taken cognizance of the news items which are published in the following newspapers/news channels:

- (a) Asian News International (ANI)
- (b) Aaj Tak
- (c) DNA
- (d) Hindustan Times
- (e) Amar Ujala
- (f) The Hindu
- (g) The Indian Express
- (h) Huffpost India

4. Some of the headings in few of the newspapers/news channels are as under:-

“Resident doctors of Kasturba Hospital decide to tender mass resignation over salary issue” (ANI)

“Delhi: Docs at North MCD hospital threaten strike” (Indian Express)

“Kasturba Hospital doctors threaten to resign en masse” (The Hindu)

“Nearly 300 Doctors In Delhi’s Municipal Hospitals Threaten Mass Resignations” (Huffpost India)

5. The aforesaid news items are about the non payment of salary to the Resident Doctors of Kasturba Hospital and Hindu Rao Hospital situated at Delhi. Due to non-payment of salary for last three months, the resident doctors intend to either resign *en masse* or go on strike. The cognizance of

the matter has therefore been taken by this Court and the news items have been treated as a Public Interest Litigation by joining the following authorities as party respondents:

- (i) Union of India,
Through Ministry of Home Affairs,
North Block, Central Secretariat, New Delhi.
- (ii) Union of India,
Through Secretary,
Ministry of Health and Family Welfare,
Delhi.
- (iii) Government of NCT of Delhi,
Through its Chief Secretary
Delhi Secretariat, Delhi.
- (iv) Government of NCT of Delhi,
Through its Secretary,
Health Department,
Delhi Secretariat, Delhi.
- (v) North Delhi Municipal Corporation,
Bara Hindu Rao Hospital, Malka Ganj,
Delhi-110007.
- (vi) Kasturba Hospital
Through Medical Superintendent,
Near Jama Masjid,
Dariya Ganj, Delhi-110002.
- (vii) Hindu Rao Hospital,
Through Medical Superintendent,
Gandhi Square, Malka Ganj, Delhi-110007.
- (viii) Residents Doctor Association,
Kasturba Hospital,
Through Its President/ office bearer.
Near Jama Masjid,
Dariya Ganj, Delhi-110002.
- (ix) Residents Doctor Association,
Hindu Rao Hospital,
Through Its President/ office bearer,
Gandhi Square, Malka Ganj, Delhi-110007.

6. Mr. Akhil Mittal, learned Standing Counsel appearing for respondent Nos.5, 6 and 7 submitted that salaries have not been paid to the resident doctors i.e. Junior Residents, Senior Residents and PG Doctors since March, 2020 due to financial constraints. It is submitted by the counsel appearing for respondent Nos.5, 6 and 7 that Mr.Bishwajeet Roy, Dy. Controller of Accounts is present from the Office of respondent No.5. Dy. Controller of Accounts/North DMC submitted that the total liability under the head of salary of resident doctors of all the six hospitals namely Hindu Rao Hospital, Kasturba Hospital, Rajendra Babu Institute of Pulmonary Medicine and Tuberculosis Hospital, Maharishi Valmiki in Infections Diseases Hospital, Mrs. Girdhar Lal Maternity Hospital and Balak Ram Hospital, which are being run and managed by respondent No.5, comes to ₹8.00 crore per month (approximately).

7. He further submitted that the resident doctors have not been paid since March, 2020. It is also submitted by the counsel appearing for respondent Nos.5, 6 and 7 that in total there are 370 resident doctors at Hindu Rao Hospital and 97 resident doctors at Kasturba Hospital. Presently, a Junior Resident Doctor is getting ₹1,01,000/- per month, a PG doctor is getting ₹1,12,000/- and Senior Resident Doctor is getting Rs.1,19,000/- per month as salary. The total liability as per the counsel for respondent Nos. 5, 6 and 7 comes to ₹8.00 crores per month (approximately) for all the aforesaid six hospitals. Counsel for respondent No.5 brings to the notice of this Court that they have got only limited means and they have to pay salaries to various other employees including Safai Karamcharis; Grade 'D' employees – Maalis etc.; Grade 'C' employees – Drivers etc.; payment to

the pensioners; salary to the teachers who are Grade 'B' employees and salary to Junior and Senior Residents Doctors and other Grade 'A' Doctors and therefore this amount could not be paid since March, 2020 onwards. Nonetheless, it is assured by the respondent No.5 that the payment of outstanding salary for the month of March, 2020 be paid to Junior Residents, Senior Residents as well as to PG doctors on or before 19th June, 2020.

8. We have heard Mr. Sanjay Jain, learned Additional Solicitor General of India appearing for respondent Nos.3 and 4. Learned ASG very fairly submitted that they have already disbursed the legally payable amount to North Delhi Municipal Corporation in the month of May, 2020. Nonetheless, they are ready to disburse an additional amount for payment of salary to the resident doctors of all aforesaid six hospitals by 18th June, 2020. The learned ASG further assured the Court that the amount shall be disbursed latest by 18th June, 2020.

9. The aforesaid amount to be disbursed by respondent Nos.3 and 4 to the respondent No.5, shall be utilized by respondent No.5 for the payment of outstanding remuneration for the month of April, 2020 to the abovementioned categories of doctors. The amount shall not be retained by respondent No.5 unnecessarily. Thus, the outstanding payment will be cleared for the months of March and April, 2020 to the resident and PG doctors of Hindu Rao Hospital and Kasturba Hospital as well as of four other hospitals enlisted above.

10. It is directed that so far as payment of outstanding salary for the month of March, 2020 is concerned, the same shall be given to the Junior Residents, Senior Residents and PG doctors in their bank accounts by 5 p.m.

on 19th June, 2020. So far as the outstanding payment for the month of April, 2020 is concerned, the payment shall be made to all the resident doctors on or before 5 p.m. on 24th June, 2020.

11. It is expected from the respondent No.5 that without committing any violation, the aforesaid directions shall be scrupulously followed by respondent no.5. The amount given by respondent Nos.3 and 4 (Government of NCT of Delhi) for the payment of salary for the month of April, 2020 shall be utilized only for that specific purpose and for no other purpose because the amount given by the respondent Nos.3 and 4 has to be met with the exigencies as narrated hereinabove.

12. The amount to be released by the respondent Nos.3 and 4 which is approximately ₹8.00 crores, will be adjusted/set off towards the payments required to be made by the respondent Nos.3 and 4 in future to the respondent No.5. The adjustment of the accounts can always be done at later stage but the salary is required to be paid on priority to the resident doctors. This arrangement has been made as a special case for the resident doctors keeping in mind the non payment of salary since March, 2020 considering the current pandemic situation.

CHIEF JUSTICE

PRATEEK JALAN, J

JUNE 12, 2020

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