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

+ W.P.(C) 4200/2015

BILKIS & ANR

..... Petitioners

Through: Mr Kamlesh Kumar Misra & Ms Abhiti Gupta, Advs.

versus

GOVT OF NCT OF DELHI & ORS

..... Respondents

Through: Ms Megha Bharara, Adv. for Ms Ruchi Sindhawani, Adv. for R- 1, 2, 4 & 5.

Mr Anurag Ahluwalia, CGSC for R-3.

Mr Vikas Chopra, Adv. for R-6.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SHAKDHER**

**ORDER**

% **28.04.2015**

1. Issue notice.
2. Ms Megha Bharara accepts notice on behalf of respondent no. 1, 2, 4 & 5. Mr Ahluwalia accepts notice on behalf of respondent no.3, while Mr Vikas Chopra accepts notice on behalf of respondent no.6.
3. Petitioner no.1 is the mother-in-law of late Tabassum who, apparently, died on account of not being given necessary health care by the concerned authorities. As a matter of fact, the baby delivered by late Tabassum also died because of lack of necessary medical care.
4. Several issues have been raised in the petition, including the violation of the directions contained in the judgement of this court dated 04.06.2010, passed in WP(C) No. 8853/2008, titled: ***Laxmi Mandal vs Deen Dayal Hari Nagar Hospital & Ors.***

5. Respondent no. 4 & 5 will file an affidavit which will, inter alia, indicate the measures that require compliance as per the provisions of Janani Suraksha Yojana (JSY), Integrated Child Development Scheme (ICDS), National Maternity Benefit Scheme (NMBS), Antyodaya Anna Yojana (AAY), National Family Benefit Scheme (NFBS) and also refer to the directions contained in *Laxmi Mandal* case that remain outstanding to date.

5.1 Respondent no. 1 & 3, i.e., Govt. of NCT of Delhi and Central Government, in its affidavit, will advert to all hospitals which are under their respective charge. The affidavit will, similarly, indicate the measures which are taken care of as per the schemes and the judgement referred to above. The gaps, which obtain, will be highlighted. The reasons for the same will also be adverted to in their respective affidavits.

7. In addition, the respondents will also deal with the system of referral obtaining in government hospitals whereby patients, it appears (as in this case), are made to travel from one hospital to another to get requisite medical care.

8. Perusal of the writ petition would show that the petitioner no.1 has sought reimbursement of Rs. 10,000/- towards expenditure incurred under the JSY scheme. Govt. of NCT of Delhi, in the meanwhile, will examine as to whether petitioner no.1 is entitled to reimbursement. In case petitioner no.1 is found entitled to receive payment, the said amount will be remitted to her forthwith. This direction is being issued, as late Ms Tabassum has left behind a five year old child who, I am told, is being looked after by petitioner no.1.

9. Learned counsel for respondent no.5, will also bring to court, on the

next date of hearing, the medical papers pertaining to late Ms Tabassum which, inter alia, dilate upon the cause of her demise.

10. List on 31.08.2015.

11. Dasti.

**RAJIV SHAKDHER, J**

**APRIL 28, 2015**

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