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

+ W.P.(C) 10846/2015 & CM APPL. 27923/2015

CHHOTE LAL Petitioner

Through: Ms. Anupradha Singh, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS Respondents

Through: Mr. Rajeev Aggarwal, ASC for
GNCTD.

Mr. Ajay Digpaul, CGSC for UOI.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

23.02.2023

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1. The Petitioner before this Court has filed the instant writ petition under Article 226 of the Constitution of India with the following prayers:

“A. For a writ of mandamus or any other appropriate writ or direction directing the Respondents to to appoint two trained ASHA workers or health workers to register pregnancies, counsel women on institutional delivery and nutrition, and to ensure that all pregnant women have access to antenatal care and institutional delivery;

B. For an order directing the respondents to ensure that each ASHA worker has basic medications like ORS packets, paracetamol tablets, Iron and Folic Acid, antiseptic, bandage, cotton roll, Chlorine Tablets, condoms, oral contraceptive pills, the emergency contraceptive pill etc, communication kits and equipments like baby suspension weighing machine,

baby blanket, warm bag torch, stop watch and digital thermometer;

C. For an order to the Respondents to gaurantee that the ASHAs in Chilla Khadar carry out the full range of JSY duties including preparation of A micro birth plan;

D. For an order directing the Respondents to provide this Hon'ble Court with a list of all ASHA vacancies in NCT of Delhi and a time-bound plan for filling the posts;

E. For any such other and suitable order/s as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case and in the interest of justice.”

2. The prayer clauses of the instant writ petition reveal that the Petitioner is seeking appointment of two trained ASHA workers or health workers for distribution of medicines in respect of a particular locality i.e., Chilla Khadar.

3. A detailed and exhaustive affidavit has been filed on behalf of Respondent Nos.1 and 2 in the matter. Relevant portion of the said affidavit reads as under:

“9. It is submitted that the selection is. carried out at the unit level with the help of facilitators and Unit level Committees. This is an ongoing process as there is a cumulative attrition rate of 24% and an annual attrition rate which has varied from 5 to 14% over last few years. ASHAs leave due to certain reasons or are deleted because of non performance. Funds have been projected for selection and these shall be used for selecting new ASHAs as well as ASHAs Selected to fill in gaps in already existing ASHA units. Accordingly, as

per the information available from all districts, number of ASHAs, yet to be selected, district wise in Delhi and detailed time bound plan for completion of selection approved in Programme Implementation Plan (PIP) 2015-16 is given below:

For ASHAs already approved in PIP 2015-2016				
SL. No.	District	No. of ASHA in position by 30th November, 2015	ASHA to be selected	To be selected by
1	South	295	60	By February, 2016
2	North East	512	0	All ASHAs selected as per approved in PIP 2015-16
3	New Delhi	208	3	By January, 2016
4	Shahdara	287	13	By January, 2016
5	North	445	14	By February, 2016
6	South East	549	37	By January, 2016
7	North West	490	61	By February, 2016
8	Central	273	31	By February, 2016
9	East	407	68	By February, 2016
10	West	724	31	By February, 2016
11	South West	524	24	By January, 2016

This also includes ASHAs who have left / resigned or have been removed.

10. It is submitted that the Chillar Khadar Community is located on the Yamuna Bank. Around 4250 vulnerable population is residing in hutments. Regarding ASHA Worker for this area, one ASHA has already been selected and selection process is already initiated for another ASHA after conducting community visit by District Personnel. As such, the second ASHA is likely to be selected by mid of February, 2016. I say

that the second ASHA will be selected from her own community and she will be trained to support the largest community intervention process through spreading awareness, counseling and escorting the beneficiaries to the present health services for those who are not able to access the existing health services due to various social, occupational and financial reasons.

11. It is submitted that at present, the above mentioned area is covered by mobile van, operating from Maternity Home Patparganj under supervision of one Doctor and one ANM on Tuesdays and Saturdays. And also, ASHA who is already selected and functional, has been attached with DGD ^ Mayur Vihar Phase-I. ASHA Kit items have been provided to her as per the information provided by the District ASHA Nodal Officer. The ASHA Kit which includes the bag (with the NRHM/ASHA logo), the basic drugs, IEC Kit, Diary and any other required logistics such as Suspension weigh machine, baby blanket, baby warm bag, LED Torch and ASHA coat.

12. In view of the submissions made herein above, it is most respectfully prayed that this Hon'ble Court may be pleased to pass appropriate orders which this Hon'ble Court may deem fit in light of the facts and circumstances of the present case.”

4. The affidavit reveals that in respect of Chillar Khadar locality which is located on the Yamuna Bank where 4250 vulnerable population is residing in hutments, one ASHA worker has already been appointed and the process for selection of another ASHA worker has been initiated, meaning thereby, in respect of Chillar Khadar locality, one ASHA worker has already been appointed and the process for selection of another ASHA worker has

also been initiated. However, the said affidavit has been filed in the year 2016.

5. At this stage, learned Counsel appearing for the Petitioner, on instructions, has stated before this Court that both the ASHA workers have been appointed in respect of a particular locality i.e., Chillar Khadar which is the subject matter of the instant writ petition.

6. Learned Counsel appearing for the Petitioner was fair enough in stating before this Court that the present petition may be disposed of with a direction to the Respondents that in case ASHA workers have not been appointed, the same may be done as expeditiously as possible keeping in view the vacancies as shown in the affidavit filed by the Respondents.

7. In light of the aforesaid, the instant petition is disposed of with a direction to the Respondents to conclude the process of appointment of ASHA workers, if the same has not been done, as expeditiously as possible, preferably within a period of six weeks from today.

8. Pending application(s), if any, is disposed of.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

FEBRUARY 23, 2023

S. Zakir