

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (PIL) No. 50 of 2020

In re in the matter of to provide adequate security to
doctor and other para medical professions

.....Petitioner

Versus

Principal Secretary/Secretary, Health Department, Govt.
of Uttarakhand, Dehradun

.....Respondent

With

Writ Petition (PIL) No. 51 of 2020

Rajendra Arya

.....Petitioner

Versus

Union of India and others

.....Respondents

Coram: Hon'ble Sudhanshu Dhulia, J.
Hon'ble Ravindra Maithani, J.

Heard learned counsel for the petitioner
Mr. Dushyant Mainali (in person) in WPPIL No. 50 of
2020, Mr. Piyush Garg, learned counsel for the petitioner
in WPPIL No. 51 of 2020, learned Advocate General for
the State Mr. S.N. Babulkar and the learned Chief
Standing Counsel Mr. Paresh Tripathi, who are assisted
by Mr. Anil Bisht, Standing Counsel for the State of
Uttarakhand, Mr. Rakesh Thapliyal, learned Assistant
Solicitor General of India assisted by Mr. Sanjay Bhatt,

Advocate, Mr. D.S. Patni, Senior Advocate for Uttarakhand Power Corporation and Ms. Anjali Bhargava, Advocate for the B.S.N.L.

2. The primary concern raised in these two writ petitions is regarding proper medical equipment to be supplied in the hospitals, which are presently battling with the COVID 19 pandemic. It is particularly for the protection of doctors, nurses and paramedics, who are in the frontline of this battle. A detail order has already been passed by a Coordinate Bench of this Court in Writ Petition (PIL) No. 52 of 2020 where broadly directions have been given to the State to follow in letter and spirit the guidelines of World Health Organisation and the orders of the Ministry of Medical Health and Family Welfare, Government of India. The present order should be seen as consequential and in the light of the order passed in Writ Petition (PIL) No. 52 of 2020.

3. Vide its order dated 28.03.2020, the Government of India has categorized three hospital. These are : (i) COVID Care Centres, (ii) Dedicated COVID Health Centres and (iii) Dedicated COVID Hospitals.

4. We are presently concerned with the dedicated COVID Hospitals. Such hospitals have been declared by the State Government vide its order dated 31.03.2020, which are fifteen in numbers. These are as follows:

- “1. Base Hospital, Almora
2. District Hospital, Bageshwar
3. District Hospital, Chamoli
4. District Hospital, Champawat
5. Doon Medical College, Dehradun

6. Mela Hospital, Haridwar
7. STM Medical College, Nainital
8. BD Pandey Hospital, Nainital
9. Base Hospital Kotdwar, Pauri Garhwal
10. Srinagar Medical College, Pauri Garhwal
11. District Hospital, Pithoragarh
12. District Hospital (Madhavashram Campus), Rudraprayag
13. District Hospital, Tehri Garhwal
14. District Hospital, Udham Singh Nagar
15. District Hospital, Uttarkashi.”

5. Now this Court has been informed that Dedicated COVID Hospitals of Almora, Bageshwar and B.D. Pandey Hospital, Nainital do not have ventilators, although it is a mandatory facility to be provided by a Dedicated COVID 19 Hospitals, in a case of a contingency.

6. A dedicated COVID Hospital must also have an ICU. We have further been informed that some of these hospitals do not have an Intensive Care Unit (ICU). These are as follows:

1. Base Hospital, Almora
2. District Hospital, Bageshwar
3. District Hospital, Chamoli
4. District Hospital, Rudraprayag
5. Mela Hospital, Haridwar
6. B.D. Pandey Hospital, Nainital

7. We say so that on the basis of the reply of the State, where they admit this position.

8. We are conscious of the fact that there is definitely a shortage of ventilators as of now, yet when these hospitals had been declared as Dedicated COVID 19 Hospitals and one of the principal requirements of the Dedicated COVID 19 Hospital is that, inter alia, it must have ventilator facility, we fail to understand as to why these Dedicated COVID 19 Hospitals are not having any ventilators, as yet.

9. We, therefore, direct the State Government to at least install one, possibly two, ventilators in these hospitals, within a period of one week from today.

10. Having made these orders, such as above, which we have done after hearing the learned Advocate General and the learned Chief Standing Counsel, we are still conscious of the fact that there may still be some practical and logistical problem with the State in complying with this order, which may not be in our knowledge. If it is so, the State will always be at liberty to bring to our notice for suitable correction/review, in the interest of justice.

11. List these matters on 29.04.2020 at 11:00 a.m.

(Ravindra Maithani, J.)

(Sudhanshu Dhulia, J.)

21.04.2020