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

+ W.P. (C) 3052/2020 & CM APPL. 10629/2020

NIRMAL GORANAPetitioner
Through: Ms. Anupradha Singh, Advocate

versus

GOVT OF NCT OF DELHI AND ORS.Respondent
Through: Mr. Sameer Vashisht, ASC with
Ms. Manashwy Jha, Advocates for
GNCTD.
Mr. Harsh Goel with Mr. Arun
Kumar Jha [Office of DC (North)].

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
14.05.2020

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The petition has been listed before this Bench by the Registry in view of the urgency expressed therein.

The petition has been heard by way of video conferencing.

It is pertinent to mention that present public interest litigation has been filed seeking directions to respondents to provide adequate facilities to the patients at the quarantine wards in Narela.

Learned counsel for the petitioner states that respondents have failed to provide clean and hygienic environment to the patients and have also failed to follow the recommendations issued by the WHO and National

Centre for Disease Control. It is also averred that the respondents have failed to ensure that doctors regularly visit the patients and provide proper treatment.

In the counter-affidavit it is stated by the respondent no. 1 that all necessary facilities such as boarding, lodging, food, medical, sanitation and security etc. have been provided to the inmates of Quarantine Facility.

Since the counter-affidavit filed by the respondent-State describes in detail the steps undertaken by it, the relevant portion of the same is reproduced hereinbelow:-

*“.... 5. That for the proper and effective management of the said complex, the Quarantine centre was divided into four blocks with one SDM as its in-charge. The order dated 31/03/2020 making SDMs as in-charge of the complex is annexed as **Annexure R-2**. It is submitted that all these blocks physically exist within one complex and is guarded by Delhi Police and Para-military forces.*

6. That Block-B and Block -D in the said complex have been converted and declared as COVID CARE CENTER (CCC) as per health protocol as Covid Positive persons (Asymptomatic or having mild symptoms) are residing there. As a result, the Quarantine Facility has now become Quarantine-Cum-Covid Care Center.

7. That the Deponent submits that at present there is a total of 1318 number of inmates in the center as on 9/5/2020.

8. That the Deponent with complete responsibility submits that all the necessary facilities including boarding and lodging, food, medical, Sanitation and Security etc., have been provided to inmates of Quarantine Facility. There is neither any lapse nor any failure on the part of Respondent No. 1 in performing its duties.

9. That as already stated above the Quarantine Facility was set up on 14.03.2020. The Quarantine Facility was meant for separating the suspected person and keeping them in isolation so that his/her health condition can be monitored. If symptoms of

Corona infection are noticed. Due medical intervention is resorted to either by in-situ treatment after shifting him/her to pre-designated towers in the Quarantine complex or by shifting him in hospital for proper treatment. This is being done as per the advice of the medical team deputed there. Later on, Block-B and Block-D were designated as Covid Care Centre where asymptomatic person and person with mild symptoms are kept for monitoring purpose. For further treatment, if required, the said person is shifted to designated hospital.

10. That it is submitted that all the basic facilities are being provided by the designated teams of various departments like Health, Delhi Development Authority (Civil & Electric), MCD (Health & Sanitation), PWD, Catering services etc, as per the health protocols laid down by Govt of India and GNCTD from time to time.

11. That it is submitted that for the purposes of sanitation, 10 (approx) no. of sanitation staffs is provided by MCD in each of three shifts for sanitation and cleanliness in and around Quarantine facility.

12. That for the purposes of sanitation and cleanliness inside the rooms of inmates, 50 No. of nursing orderlies, housekeeping and sanitation staffs have been deployed by the Department of Health and Family Welfare. Sanitation of the rooms of inmates is being done by them routinely and regularly. Cleaning of all the floors is done by 1% hypochlorite solution. Any waste generated here is disposed as bio-medical waste as per the BMW Management guidelines. An inspection committee of three members have been constituted by CDMO (North) to ensure the compliance of Bio Medical Waste Management protocol.

*13. That for the purposes of providing nutritious food, District Administration has engaged the services of Friendship Time Pvt. Ltd., New Delhi. The order dated 3/4/2020 appointing Friendship time Pvt. Ltd is annexed as **Annexure R-3**. The said order also contains the details of the breakfast, lunch, evening snacks and dinner, which is being provided to the inmates. The same food is being consumed by the health and other department*

officers/officials deputed at Quarantine Facility. No specific complaint has been received in this regard for any of inmates till date. Since, most of the Markaj related inmates are on Roza during Ramzan period since 25.04.2020, special menu of Sehri and Ifftari is also provided to them. This includes Banana, Dates and Snacks in Ifftari and Banana, Appla, Bun, Precooked Rice and Pulse in Sehri.

*14. That in respect of medical facility it is submitted that 15 teams of Doctors and Para-Medical Staffs have been deployed shift wise in each block having 03-04 towers. The duty roaster of such team are is annexed as **Annexure R-4**. CATS Ambulance and Army Ambulance are available round the clock for patient transfer. Till date approx. 105 patients have been referred to COVID-19 Dedicated hospitals. Sampling of inmates is done time to time as per the health guidelines and protocols issued by Govt of India and GNCTD on time to time. Approx 2000 Sampling has been done till date. All the medicines required by any inmate are available in pharmacy. The medicines, which are not available in pharmacy are being procured from the market as per the request of inmates.*

15. That for other basic housing facilities, DDA has made necessary arrangements in these flats whereas, fans have been fitted by the vendor approved by the District Administration. For management of Quarantine facility, the same is divided into four blocks. In each blocks, control room and held desk are working round the clock with a dedicated mobile number which has been circulated among the inmates also.

*16. That it is submitted that on the arrival, each person is proved one separate room alongwith a kit containing 32 items such as Cot, Mattress, Bed-sheet, Medical Sheet, Pillow with cover, Quilt, Electric kettle, immersion rod, Mosquito repellent, Towel, Soap, Toothpaste, Brush and other regular usable items. Some of these items including Bed sheet and medical sheet are regularly replaced (**Annexure R-5**). Few photographs showing the true condition of room at the time of admission has been prepared and enclosed herewith. The photographs are annexed as **Annexure R-6**. Further, in case of any complaint, Cleanliness of rooms is*

ensured by sanitation staff deployed there round the clock. If any other complaints/ shortcomings are noticed, immediate action is taken by block-in-charge through the concerned department. For coordination between all stakeholder departments working there, walkie-talkie has been provided to the Nodal Officer/Shift In charge, so that concerned person of the department attends the complaint instantly. Further, for each block a Mobile number has been circulated among the residents for raising their issues and the same is attended by the duty staff promptly.

17. That it is submitted that Doctors are stationed at a particular place at the ground in each block. If an inmate has any medical issue, he/she can visit the doctor for treatment/consultation. The entire process is coordinated with the help of Help Desk Mobile number and announcement system. Special precaution is taken to avoid assembling of any crowd at the desk of doctor. Since, this is not a treatment facility, therefore, visits of doctors to each inmate in their room is not required.

*18. That it is submitted that DDA Engineering staff specially the electrical wing has been deputed for immediate maintenance of lifts. It has been reported by the Nodal Officer, DDA that due to mishandling of lifts by inmates, water logging in lift pit etc. the lift broke down and accordingly they were repaired on urgent basis and are repaired as and when required. All the lifts in the Narela Centre are functioning properly as on today as informed by Nodal Officer, DDA. The detailed duty roaster of DDA staff for this purpose is annexed herewith. Any mechanical fault in elevator is attended very promptly. The detailed duty roaster of DDA Staff is annexed as **Annexure R-7**. In view of the facts and submission made hereinabove, it is most respectfully submitted that the present application is bereft of merit and ought to be dismissed.”*

Today learned counsel for the petitioner states that though workers and doctors have been deployed, yet they are not doing their job. She states that neither the quality of food is good nor basic items are being provided to

patients upon arrival. She relies upon the averments in the rejoinder-affidavit.

However, this Court finds that the rejoinder-affidavit has only general bald and vague allegations. No complaint of any aggrieved patient has either been mentioned or annexed.

Accordingly, keeping in view the aforesaid, especially the detailed counter-affidavit, this Court disposes of the present writ petition with a direction to the Secretary, Department of Health, Government of NCT of Delhi to depute a senior officer to visit the Quarantine Facility, Narela once in three days to ensure that adequate and proper facilities are provided to the patients and the health workers perform their duty diligently. In the event of any dereliction of duty, it shall be open to the Delhi Government officials to take action against the delinquent health workers in accordance with law.

With the aforesaid direction, the present petition and application stand disposed of.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

MANMOHAN, J

SANJEEV NARULA, J

MAY 14, 2020

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