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

+ **W.P.(C) 2604/2021 and CM APPL. 1203/2023**

SUKHDEV SINGH

..... Petitioner

Through: Mr. Tushar Bathija, Advocate (M-09928248556)

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Chetan Sharma ASG with Mr. Chiranjiv Kumar along with Mr. Mukesh Sachdeva, Advocate for R-1, 3 & 4. (M-9971170154)
Mr. Rishikesh Kumar, ASC with Mr. Muhammad Zaid, Mr. Sudhir & Ms. Sheeu Priya, Advocates for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **21.03.2023**

1. This hearing has been done through hybrid mode.
2. Submissions have been made in this matter. This is an unfortunate case of a 23 year old boy, Mr. Tanvir Singh- the Petitioner's nephew (*hereinafter 'the deceased'*), who landed in India on 18th March, 2020 at Indira Gandhi International Airport, Delhi (*'IGI Airport'*) from Australia. He had boarded the Air India flight No. AI-301 from Sydney and landed in Delhi. He arrived with his mother and upon his arrival at the IGI Airport, he filled up a Self- Reporting Form, as a responsible individual and stated that he had taken Paracetamol for headache. He was then examined by a doctor at Airport Health Organisation (*'AHO'*)- Respondent No. 4, at IGI Airport, who found that he had fever and had no other symptoms such as



cough, shortness of breath and difficulty in breathing. He was referred to the Safdarjung Hospital- Respondent No. 3 by the doctor at the IGI Airport at around 6:20 pm.

3. However, what transpired thereafter was an unfortunate series of events leading to his death, the cause of which still remains a mystery. The prayer in this case is for constitution of multi-level departmental enquiry to probe the case of death of Mr. Tanvir Singh.

4. This Court has, from time to time, passed several directions calling the Status Report from the Police, from the Safdarjung hospital and from other authorities.

5. Vide order dated 25th February 2021, the Court directed Respondents Nos.1 and 3, i.e Union of India and Safdarjung Hospital to place on record a status report giving the following details:

- “i) Details of the reason as why the deceased was admitted to Safdarjung Hospital;*
- ii) Whether CCTV footage from the airport has been preserved of the said date of the deceased's arrival, which would show the medical condition of the deceased when he was detained at the airport;*
- iii) A copy of the inquest report;*
- iv) An attested copy of the post-mortem report;*
- v) As to whether the police had, in fact, contacted the family of the deceased and whether any investigation was conducted into his death or not.”*

6. Vide order dated 21st May 2021, the Court directed the Medical Superintendent of the Respondent No. 3- Safdarjung Hospital to file a comprehensive report specifically dealing with the following aspects:

- “i. What was the exact time, as per the respondent Hospital, when late Shri Tanveer Singh was taken to the COVID isolation ward?”*



ii. How many patients were in the COVID isolation ward when late Shri Tanveer Singh was taken there?

iii. How many staff members were present in the COVID isolation ward to look after the patients?

iv. Since the COVID isolation ward was purportedly situated on the 7th floor of the respondent no.3's building, whether any staff member had accompanied late Shri Tanveer Singh at the time he was being sent to the isolation ward?"

7. Vide order dated 11th January, 2023, this Court had further directed that the Investigating Officer - SI Ranvir Singh, PS Safdarjung Enclave who investigated the death of the deceased shall also remain present on the next date of hearing.

8. The Sub-Divisional Magistrate ('SDM')- Respondent No. 2, who has filed the Status Report dated 4th March 2021, has merely relied upon the Inquest Report dated 18th March 2020 filed by the Investigating Officer and other records from the Police.

9. The Status Report of the Safdarjung Hospital dated 4th March 2021 filed by Additional Medical Superintendent claims that, while the deceased's admission formalities were going on, the deceased escaped quietly and reached the roof of the building and jumped, after which the body was spotted and was found to have no spontaneous breathing, heart rate and the deceased was declared dead at 9:12 pm.

10. The Post-Mortem report dated 20th March 2020 shows that the deceased suffered various lacerated wounds and bruises due to the jump and the deceased died due to shock and hemorrhage. The Respondent No. 4 -Air Port Health Organisation states in their Status Report filed on 16th April



2021, that there was no delay in processing and sending the passengers for quarantine to the Respondent No. 3. An ambulance with driver and staff nurse were sent to escort all other passengers to the Safdarjung Hospital and the mother of the deceased was informed about the situation of the deceased and of his further referral to Respondent No. 3- Hospital. This fact is disputed by the Petitioner.

11. Another Status Report dated 30th June 2021 filed by the Additional Medical Superintendent of the Respondent No. 3 states that he had arrived at Respondent No. 3- Hospital at about 8:45 pm and was taken to the isolation ward immediately. The said report is relevant and extracted hereinbelow:

“i. The deceased Sh.Tanvir Singh was referred from Air Port Health Organization (APHO), New Delhi and brought to Corona private ward, Super Specialty Block, Safdarjung Hospital, Delhi on 18.03.2020 at 08:45 PM. While his admission formalities were being done on 7th floor alongwith other patients referred with him from Air Port Health Organization (APHO), he just escaped quietly and reached the roof of the building and jumped, after which his body was spotted and found to had no spontaneous breathing, heart rate and was declared dead at 09:12 PM. As per the official record of deceased Sh. Tanvir Singh, the reaching time of the deceased Sh.Tanvir Singh in Corona private ward, Super Specialty Block, Safdarjung Hospital, Delhi at about 08:45 PM & subsequently patient was taken to Covid Isolation ward immediately.

ii. At that time, only 4 patients were in Covid Isolation ward, each in their respective room.

ii. Two Doctors, Two Nursing Officers, one Safai Karamchari, one Multi Task Worker (MTW) and one guard was present at the Central Nursing Station outside the Isolation rooms area.



iv. One JR in PPE kit accompanied the patient till the Isolation Room and explained him about the situation/precaution/medication. As per the then existing Government Guidelines, only one patient was being kept in one Isolation Room.”

12. The Inquest Report dated 18th March 2020 has also been placed on record. However, it clearly shows that none of the statements of the doctors, staff at the Respondent No.3- Hospital had been recorded, who were present at the time when the deceased had reported at the Respondent No. 3- Hospital on 18th March 2020. As per the above Status Report, which has been filed by the Additional Medical Superintendent, Safdarjung Hospital, there were various staff members including doctors, nursing officers, multi task workers except one guard, who were present. A JR was also present in a PPE kit. Four patients were present in the COVID isolation ward. Events that transpired between 8:45 pm to 9:12 pm on 18th March 2020 continue to be shrouded in mystery.

13. The Court is not convinced about the fact that the deceased, who was a young boy and who filled up his Self- Reporting Form at the IGI Airport just 3 hours before they were brought to the Respondent No. 3- Hospital, could have behaved in a manner as has been claimed by the Respondent No. 3- Hospital. Respondent No. 3- Hospital ought to have conducted an internal inquiry to come up and place the true facts. It is also not possible that no staff at the Safdarjung Hospital met the deceased, as in terms of the Status Report admittedly, admission formalities were going on.

14. Accordingly, in order to consider as to what directions need to be issued in this matter, the Respondent No. 3-Safdarjung Hospital is directed



to file an additional status report of the Medical Superintendent giving the following details:

- (1) How many passengers from the IGI Airport had arrived at the Respondent No. 3- Safdarjung Hospital on the said date i.e. 18th March 2020, along with their names and contact details. The Report shall also apprise of the status of the said passengers i.e. whether they were discharged or they were admitted and if so, when they were discharged.
- (2) The names and contact details of other patients present in the COVID isolation ward on 18th March 2020, who may have interacted with the deceased.
- (3) The names of the 2 Doctors, 1 Junior Resident, who was in PPE kit, 2 Nursing officers, 1 Safai Karamchari, 1 Multi-Task Worker ('MTW') and 1 guard, as per the Status Report dated 30th June 2021 who were present at the Central Nursing Station outside the isolation room where the deceased was brought.
- (4) The Medical Superintendent shall conduct an internal inquiry and inform the Court, on which floor the COVID isolation ward was located, and how access to the roof was possible and the manner in which the deceased escaped to the roof.
- (5) The Report shall also contain the basis of the statement made in the Status Report dated 30th June 2021, that the deceased had escaped quietly and reached the roof of the building and jumped from the roof.

15. The Respondent No. 4- Airport Health Organization shall also file a further Status Report giving the details of the passengers, who had been



shifted to the Respondent No. 3- Safdarjung Hospital on 18th March 2020 so that the same can be verified with the report to be filed by the Respondent No. 3-Safdarjung Hospital. Let both the reports be filed within 2 weeks.

16. The concerned SDM shall also produce the original Inquest Report on the next date of hearing.

17. List on 3rd May, 2023 at top of the Board.

18. Copy of the order be given *dasti* under the signature of the Court Master.

PRATHIBA M. SINGH, J.

MARCH 21, 2023

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