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

% **Date of Decision: 10th August, 2026**

CNR No. DLHC010021452025

+ **W.P.(C) 879/2025 & CM APPL. 47630/2026**

**MESSERS HEALTH AND FAMILY WELFARE DEPARTMENT
AND ANR.**Petitioners

Through: Mrs. Avnish Ahlawat, SC for
GNCTD with Mr. Nitesh Kumar
Singh, Ms. Aliza Alam and Mr.
Mohnish Sehrawat, Advs.
Mob: 9313964463
Email: avnish@ahlawatassociates.in

versus

JITENDER KUMAR AND 11 ORS.Respondents

Through: Dr. Monika Arora, Mr. Sibhrodeep
Saha, Ms. Anamika Thakur, Mr.
Abhinav Verma, Mr. Aradhya and
Mr. Bhaskar, Advs.
Mob: 8979496930
Email: officeadvmonika@gmail.com

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

MINI PUSHKARNA, J. (Oral):

CM APPL. 47630/2026

1. The present application has been filed on behalf of respondent no. 9, i.e., Mr. Gopal Krishna Kumar, seeking urgent directions to the petitioners with respect to providing him health facilities in terms of the order and circular dated 19th November, 2012 and 19th March, 2021, respectively, issued by petitioner no. 1, i.e., Department of Health and Family Welfare,



Government of NCT of Delhi (“GNCTD”).

2. The order dated 19th November, 2012 issued by the Department of Health and Family Welfare, reads as under:

GOVT OF NCT OF DELHI DEPARTMENT OF HEALTH & FAMILY WELFARE 9TH LEVEL, A-WING, I.P. ESTATE, DELHI SECRETARIAT, DELHI-110002 No. F.1(550)/TRC/H&FW/2012/ 12086 – 12061.	ANNEXURE A-3 ORDER Approval of the competent authority is hereby conveyed for payment of the following remuneration to the paramedical staff engaged on contract basis by the Health & Family Welfare Department, Government of NCT of Delhi, with immediate effect:- (i) Basic Pay (ii) Grade Pay (iii) Dearness Allowance (iv) Nursing Allowance (for Nurses) (v) Patient Care Allowance (for other than nurses) (vi) Uniform Allowance (vii) Washing Allowance (viii) House Rent Allowance (ix) Transport Allowance Paramedical staff engaged on contract basis will get pay at the minimum of the pay band of the respective/corresponding post. They will not be entitled to increment in pay or promotion or regularization in service. This issues with the concurrence of the FD vide U.O. No. 624/DS-I dated 16.11.2012.
(SUDHIR KUMAR) SPECIAL SECRETARY HEALTH & FAMILY WELFARE	
Copy to Dean/ Directors/ Medical Superintendents/ Principals of all Medical Colleges/ Hospitals/ Medical Institutions under the Govt. of National Capital Territory of Delhi. Copy for information to:- * Pr. Secretary to LG, Delhi. * Pr. Secretary to CM, Delhi. * Secretary to MOH, Delhi. * OSD to Chief Secretary, Delhi.	
(SUDHIR KUMAR) SPECIAL SECRETARY HEALTH & FAMILY WELFARE	



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3. The circular dated 19th March, 2021, issued by the Department of Health and Family Welfare, GNCTD, reads as under:

ANNEXURE A-4

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
(HR-NURSING SECTION)
9TH LEVEL, A-WING, DELHI SECRETARIAT, NEW DELHI
(CD - 112583240)

Dated: 19/03/2021

F.8(218)/Nursing/H&FW/2019 583-86

CIRCULAR

Sub: Grant of Leaves to Contractual Nursing and Contractual Paramedical Employees working under H&FW, GNCTD- Regarding.

A number of representations from Contractual Nursing and Paramedical employees have been received in this office requesting to grant Leaves and Medical facilities at par with their counterparts regular employees.

A court case WPC-6708/2002 filed Sonia Gandhi & Ors. Vs GNCTD & Ors. has also been filed in Hon'ble High Court and Hon'ble High Court vide its judgment dated 05.11.2013 has directed that "not only the writ petitioners in the above two writ petitions but additionally all contract appointed employees shall be paid wages by the Government of NCT of Delhi as per the decision of the Division Bench of this Court in W.P.(C) No.8476/2009 and shall be entitled to leave of all kind including maternity and sick leave in terms of the decision in W.P.(C) No.4641/2012."

The matter has been examined in the light of relevant rules and regulations and also in consultation with Law Department, GNCTD. Accordingly the competent authority is pleased to decide that henceforth :

1. All contractual Nursing and Paramedical employees working under H&FW, GNCTD shall be entitled to Casual Leaves, Earned Leaves, Medical Leaves. Leaves are co-terminous with the period of contract.
2. Paternity and Maternity Leave as provided under Maternity Benefit Act 1961.
3. Health Card facility.
4. However, Contractual Employees are not entitled for any Leave encashment, Child Care Leave, Study Leaves and Tuition fees.

This issues with the prior approval of Competent Authority, H&FW.

PAWAN CHOPRA
DY. SECRETARY (HR-NURSING)

F.8(218)/Nursing/H&FW/2019 583-86

Dated, 19/03/2021

To,
All the MD/MS/HOD of all Hospitals/Medical Institutions under H&FW Department, GNCTD.

Copy to:

1. PS to Pr. Secretary (H&FW), H&FW Department, Delhi Secretariat, New Delhi.
2. PS to Spl. Secretary (H&FW), H&FW Department, Delhi Secretariat, New Delhi.
3. Guard file

PAWAN CHOPRA
DY. SECRETARY (HR-NURSING)



4. The aforesaid circulars clearly stipulate issuance of Health Card facilities to the respondents.

5. This Court notes that *vide* order dated 27th February, 2026, passed in the present proceedings, directions had already been issued by this Court to the petitioner to adhere to the aforesaid order dated 19th November, 2012 and circular dated 19th March, 2021 issued by petitioner no. 1, for the purposes of payment/emoluments to the respondents-workmen. The order dated 27th February, 2026, passed in the present proceedings, reads as under:

CM APPL. 13507/2026 (Seeking vacation of stay order dated 23.01.2025.)

1. Issue notice.
2. Learned counsel, as aforesaid, accepts notice on behalf of the non-applicants.
3. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.
4. List on the date already fixed, i.e., 20.05.2026.
5. In the meantime, for the purpose of payment/ emoluments of the respondent/workman, the petitioners shall adhere to Circular Nos. F.8 (218)/ Nursing/ H&FW 2019/ 583-86 dated 19.03.2021 and Circular No. F.1 (550)/ TRC/ H&FW/ 2012/ 12086-12061 dated 19.11.2012.
6. This Court also takes note of the submission made by learned counsel appearing for respondent no. 9 that respondent no. 9, i.e., Mr. Gopal Krishna Kumar, had also filed a contempt petition, being *CONT.CAS(C)740/2026*, against the petitioners, thereby, seeking compliance of the aforesaid order dated 27th February, 2026.



7. She has handed over to this Court, a copy of an order dated 28th April, 2026, passed by this Court in the said contempt proceedings, which reads as under:

1. The present petition is filed by the petitioner alleging wilful disobedience/non-compliance of the order dated 27.02.2026 passed in W.P(C) 879/2025.

2. The petitioner is a beneficiary of an Industrial Tribunal order dated 03.10.2024, which granted minimum pay scale along with benefits to the petitioner. The said order was assailed by the respondent in W.P(C)879/2025 and the operation thereof was stayed by this Court vide an order dated 23.01.2025. Pursuant thereto, the petitioner preferred an application seeking vacation of the said stay. On the said application, vide an order dated 27.02.2026, this Court directed as under:

"CM APPL. 13507/2026 (Seeking vacation of stay order dated 23.01.2025.)

1. Issue notice.

2. Learned counsel, as aforesaid, accepts notice on behalf of the non-applicants.

3. Let reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed before the next date of hearing.

4. List on the date already fixed, i.e., 20.05.2026.

5. In the meantime, for the purpose of payment/ emoluments of the respondent/workman, the petitioners shall adhere to Circular Nos. F.8 (218)/ Nursing/ H&FW 2019/ 583-86 dated 19.03.2021 and Circular No. F.1 (550)/ TRC/ H&FW/ 2012/ 12086-12061 dated 19.11.2012."

3. The petitioner's contention is that despite categorical direction in paragraph-5 of the aforesaid order dated 27.02.2026, the respondents are not adhering to Circular Nos. F.8 (218)/ Nursing/ H&FW 2019/ 583-86 dated 19.03.2021. The said circular reads as under:

GOVT. OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
(HR-NURSING SECTION)
9TH LEVEL, ANWING, DELHI SECRETARIAT, NEW DELHI
GPO - 112583240

F.8(218)/Nursing/H&FW/2019 583-86 Dated: 19/03/2021

CIRCULAR

Subj: Grant of Leaves to Contractual Nursing and Contractual Paramedical Employees working under H&FW, GNCTD. Regarding

A number of representations from Contractual Nursing and Paramedical employees have been received in this office requesting to grant Leaves and Medical facilities at par with their counterparts regular employees.

A court case WPC-6798/2002 filed Sonia Gandhi & Ors. Vs GNCTD & Ors. has also been Med in Hon'ble High Court and Hon'ble High Court vide its judgment dated 09.11.2013 has directed that "not only the writ petitioners in the above two writ petitions but additionally all contract appointed employees shall be paid wages by the Government of NCT of Delhi as per the decision of the Division Bench of this Court in W.P.(C) No 8476/2009 and shall be entitled to leave of all kind including maternity and sick leave in terms of the decision in W.P.(C) No.4641/2012."

The matter has been examined in the light of relevant rules and regulations and also in consultation with Law Department, GNCTD. Accordingly the competent authority is pleased to decide that henceforth:

1. All contractual Nursing and Paramedical employees working under H&FW, GNCTD shall be entitled to Casual Leaves, Earned Leaves, Medical Leaves, Leaves are continuous with the period of contract.
2. Paternity and Maternity Leave as provided under Maternity Benefit Act 1981.
3. Health Card facility.
4. However, Contractual Employees are not entitled for any Leave encashment, Child Care Leave, Study Leaves and Tuition fees.

This issues with the prior approval of Competent Authority, H&FW.

PAWAN CHOPRA
DY. SECRETARY (HR-NURSING)
Dated: 19/03/2021

F.8(218)/Nursing/H&FW/2019 583-86

To,
All the MD/MS/HOD of all Hospitals/Medical Institutions under H&FW Department, GNCTD.

Copy to:
1. PS to Pr. Secretary (H&FW), H&FW Department, Delhi Secretariat, New Delhi.
2. PS to Spl. Secretary (H&FW), H&FW Department, Delhi Secretariat, New Delhi.
3. Guard file

PAWAN CHOPRA
DY. SECRETARY (HR-NURSING)



4. It is the case of the petitioner that in terms of the aforesaid circular, the petitioner is entitled to 'Medical Leaves' as also 'Health Card facility'. It is alleged that the same is being denied to the petitioner on account of wilful disobedience on the part of the respondents with the directions contained in the order dated 27.02.2026.

5. Issue notice.

6. Learned counsel, as aforesaid, accepts notice on behalf of the respondents.

7. Learned counsel for the respondents strongly controverts the submissions of the petitioner. It is submitted that the dispensation contemplated in the circular dated 19.03.2021 would not apply to the petitioner.

8. Let reply be filed within a period of four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

9. In the above conspectus, considering that (i) the Industrial Tribunal's order 03.10.2024 grants comprehensive reliefs to the petitioner (ii) the purport of the order dated 27.02.2026 was to balance the equities between the parties and to ensure that the petitioner is not altogether denied of appropriate facilities despite succeeding before the Industrial Tribunal, it is directed that till the next date of hearing, the petitioner shall be afforded the medical facilities to which he is entitled under the Circular dated 19.03.2021, *inter-alia*, grant of 'Health Card facility'.

10. Given the precarious medical condition, as is evident from the reports (filed as Annexure P-9), let the 'Health Card' be issued to the petitioner within a period of two weeks from today.

11. The aforesaid directions have been issued on a *prii facie* conspectus and shall be subject to further orders passed in the present petition.

12. List on 09.09.2026.

8. Perusal of the aforesaid orders passed by this Court clearly bring to the fore that there are categorical directions by this Court that facilities/emoluments, as mentioned in the order and circular dated 19th



November, 2012, and 19th March, 2021 respectively, are required to be given to the respondents herein, including, respondent no. 9, i.e., Mr. Gopal Krishna Kumar.

9. It has also come to the fore that there are categorical directions by this Court in the order dated 28th April, 2026, passed in *CONT.CAS(C) 740/2026* that respondent no. 9, i.e., Mr. Gopal Krishna Kumar, shall be afforded the medical facilities, as prescribed under the circular dated 19th March, 2021, including, the grant of Health Card facility.

10. The present application has been filed on behalf of respondent no. 9, on the ground that the respondent no. 9 needs urgent surgery on account of 95% blockage of the artery, and is, therefore, required to undergo an immediate heart surgery.

11. This Court notes the submission made by learned counsel appearing for GNCTD that the larger issue of regularization of the respondents, including, Mr. Gopal Krishna Kumar, is pending before the Presiding Officer, Industrial Tribunal-2, Rouse Avenue Court Complex, New Delhi, in *ID 05/2023*.

12. Be that as it may, since there are already directions passed by this Court with regard to extending the medical facilities to the respondents, including, Mr. Gopal Krishna Kumar, in terms of the order dated 19th November, 2012 and circular dated 19th March, 2021, issued by the petitioner-GNCTD, it is directed that in view of the medical urgency expressed by respondent no. 9, the petitioner-GNCTD shall extend all medical facilities to the applicant-Mr. Gopal Krishna Kumar, in terms of the aforesaid order and circular.

13. Since the final decision in the matter is yet to be taken, the present order has been passed in the peculiar facts and circumstances of the present



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case, considering the various precedents.

14. At this stage, learned counsel appearing for the GNCTD submits that the applicant has already been referred to Govind Ballabh Pant Institute of Postgraduate Medical Education and Research (“GB Pant Hospital”), which has good facilities for heart surgery.

15. Accordingly, the applicant is directed to approach the G.B. Pant Hospital in this regard, wherein, he shall be granted all the requisite medical facilities, in terms of the aforesaid order and circular, issued by the petitioner-GNCTD.

16. With the aforesaid directions, the present application is allowed, and is accordingly disposed of.

MINI PUSHKARNA, J

AUGUST 10, 2026/SK