



\$~ 1(SDB) & 2(SDB)

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

Date of Decision: 25th April, 2025

+ **W.P.(C) 3903/2017 & CM APPL. 18718/2017, 19134/2017, CM APPL. 27526/2018**

COURT ON ITS OWN MOTION

.....Petitioner

Through:

versus

UNION OF INDIA & ORS.

.....Respondents

Through:

Ms. Arunima Dwivedi, CGSC with Ms. Kritika Sharma and Ms. Swati Jhunjhunwala, Advs. for UOI.

Mr. Amit Tiwari, CGSC, Mr. Himanshu Bidhuri, Ms. Ayushi Srivastava & Mr. Ayush Tanwar, Adv. for UOI.

Mrs. Avnish Ahlawat, Standing Counsel with Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam, Mr. Amitoj Chadha, Advs.

Mr. Tushar Sannu, Mr. Shivraj Tomar, Mr. Shivam Singh and Mr. Tarun Rajput, Advs. for MCD.

2(SDB) AND

+ **W.P.(C) 8548/2017 & CM APPL. 985/2024, 50101/2024**

COURT ON ITS OWN MOTION

.....Petitioner

Through:

Mr. Ashok Agarwal & Ms. Ashna Khan, Advs. Amicus Curiae. (M: 9811101923)

versus

UNION OF INDIA AND ORS.

.....Respondents

Through:

Ms. Arunima Dwivedi, CGSC with Ms. Kritika Sharma and Ms. Swati Jhunjhunwala, Advs. for UOI.

Mr. Amit Tiwari, CGSC, Mr. Himanshu Bidhuri, Ms. Ayushi



Srivastava & Mr. Ayush Tanwar, Adv.
for UOI.

Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam, Mr. Amitoj
Chadha, Advs.

Mr. Tushar Sannu, Mr. Shivraj Tomar,
Mr. Shivam Singh and Mr. Tarun
Rajput, Advs. for MCD.

Mrs. Avnish Ahlawat, Standing
Counsel with Mr. Nitesh Kumar
Singh, Ms. Laavanya Kaushik, Ms.
Aliza Alam, Mr. Amitoj
Chadha, Advs.

Mr. Tushar Sannu, Mr. Shivraj Tomar,
Mr. Shivam Singh and Mr. Tarun
Rajput, Advs. for MCD.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. On 24th December, 2024 this Court, with respect to implementation of the Health Management Information System (*hereinafter, 'HMIS'*) *inter alia* directed both, the National Informatics Centre (*hereinafter, 'NIC'*) and the Centre for Development of Advanced Computing (*hereinafter, 'C-DAC'*) to place their respective representations on record. The relevant portion of the order dated 24th December, 2024 is extracted hereunder:

“13. In any event, by the said date, both the NIC and CDAC shall place their respective representations in respect of HMIS for consideration. The representations shall be handed over in a Power Point Presentation



format in one pen drive to the Court Master by 10th January, 2025.”

3. Thereafter, on 13th January, 2025 the Court *inter alia* directed that presentations created by the NIC and C-DAC be sent to the Director, All India Institute of Medical Sciences (*AIIMS*), who shall submit a report as to the status of both the presentations and recommendations. The relevant portion of the order dated 13th January, 2025 is extracted hereunder:

“12. The power point presentation (‘PPT’) submitted by the NIC has been handed over to the Court. Mr. Sameer Vashisht, ld. Counsel submits that he has also filed the PPT which is submitted by CDAC.

13. Both the teams of NIC and C-DAC have brought the PPTs to the Court showing suggested architecture for the HMIS. Let both the PPT’s be submitted on a pendrive and be circulated.

14. The said presentations be sent to the Director, AIIMS who shall submit a report as to the status of both the presentations and his recommendations.”

4. On 11th February, 2025 the Court observed that the report stated to be filed by the AIIMS is not on record. The Court then directed AIIMS to continue to supervise the implementation of various directions passed by this Court and file a status report. The relevant portion of the said order is extracted hereunder:

“12. It is seen that the report stated to be filed on behalf of AIIMS is not on record and has been returned under objections. Let the same be brought on record.

13. List on 17th March, 2025.

14. The Director, AIIMS shall continue to supervise the implementation of the various directions given by this Court during hearing of the present case and file a status report.



15. The said status report shall not be filed merely electronically but the copy of the same shall be handed over to the Court Master at least two days before the next date of hearing so that unnecessary adjournments are avoided.”

5. On the last date of hearing *i.e.* 17th March, 2025 the Court directed that in order for AIIMS to prepare the status report, a meeting shall be held by AIIMS and officials from the Delhi Government. The said observation made in the order dated 17th March, 2025 is extracted hereunder:

“3. In order to prepare the status report, a meeting shall be called upon by the Director, AIIMS with officials from the Delhi Government so as to obtain the exact status of all the steps taken in terms of the previous orders of this Court.”

6. Pursuant to the directions passed in the previous orders of this Court, the report of AIIMS dated 17th April, 2025 (*hereinafter*, ‘report’) as also the minutes of the meeting held between officials of AIIMS and the Government of National Capital Territory of Delhi (*GNCTD*) on 22nd April, 2025 (*hereinafter*, the ‘minutes of the meeting’) is handed over to the Court. The same have been taken on record.

7. On a perusal of the report, it is seen that the Director AIIMS has evaluated both the proposals for handling the emergency departments of hospitals under the territory of the GNCTD and Command and Control Centre, being:

- (i) NIC’s NextGen eHospital
- (ii) C-DAC’s e-Sushrut



8. As per the Report, the recommendation is as under:

“Conclusion and Recommendations

To digitize the emergency departments of 43 hospitals under GNCTD, both NIC and CDAC offer systems with IPD management modules that handle bed occupancy, emergency admissions, and discharges. These modules can be customized and configured to manage emergency wards effectively. If the goal is to implement a digital system exclusively for emergency departments, both NIC and CDAC offered to provide dedicated access tailored to this requirement.

For setting up of a centralized Command and Control Centre, CDAC's system can function as a standalone module while integrating with the existing hospital systems. Alternatively, NIC is ready to provide real-time data through an Application Programming Interface (API), allowing the development of an independent command and control system.

Each system has its own strengths and limitations. The key deciding factor should be the balance between customization needs and implementation timelines. If highly specific customizations are required, CDAC's system offers a more suitable solution. However, if a faster rollout with standard features is the priority, adopting the Next-Gen eHospital System of the NIC would be a better approach for the hospitals under the GNCTD.

9. Considering the recommendation given by the AIIMS, Id. Counsel have also made their submissions. After perusing the report and hearing counsel, it is directed that NIC's NextGen eHospital system be implemented across all 43 hospitals under the GNCTD.

10. The minutes of the meeting handed over by the Director, AIIMS have also been perused by the Court. The same deals with various aspects, each of



which are discussed below along with the directions issued.

A. Joining of Doctors (Non-teaching specialists, teaching specialists & GDMOs):

11. In this regard, it is stated that out of 232 General Duty Medical Officers (*hereinafter*, 'GDMOs'), 129 have joined and some candidates have requested for extension for their joining.

12. However, insofar as the Radiology Specialists are concerned, the posts have not been advertised.

13. Accordingly, the GNCTD is directed to take steps within the next two weeks for advertisement of the posts of Radiology Specialists so that even this category of doctors can be recruited at the earliest.

B. Engagement of Paramedics and Nursing Staff:

14. Ms. Ahlawat, Id. Counsel submits that the Delhi Subordinate Services Selection Board ('DSSSB') has already declared the result for engagement of paramedics and nursing staff and they are likely to join within two months. Ms. Ahlawat further submits that contractual employees are already working and till the regular employees join, they would continue to render services.

15. Accordingly, let the entire process for recruitment of paramedics and nursing staff be completed within a month. A copy of this order be sent to DSSSB so that the same can be fully complied. A report shall be filed by the next date and a competent official from DSSSB shall remain present in Court on the next date of hearing.

C. Procurement of radiological diagnostic services through PPP:

16. Ms. Ahlawat, Id. Counsel states that the matter is under submission to the Cabinet and the Cabinet is expected to approve it shortly.

17. Considering the criticality of radiological diagnostic services, let the



decision be taken on an urgent basis by 30th April, 2025 and procurement process be also commenced. Let a fresh status report be placed on record by the next date of hearing.

D. Dedicated full time MS/MD/HoD for all hospitals:

18. Ms. Ahlawat, Id. Counsel submits that the selection process is at a very advanced stage and the decision is likely to be taken shortly.

19. Let the same be taken by 30th April, 2025 so that the dedicated full time administrators for all these hospitals can be appointed immediately.

E. Opening of Jan Aushadhi Kendras (JAK) inside each hospital:

20. All the hospitals are stated to have initiated the tender process to appoint private parties for setting up of JAK in or near the hospital premises. However, 6 hospitals have already finalised the process and are in coordination with the Pharmaceuticals and Medical Devices Bureau of India, Department of Pharmaceuticals, Govt. of India for agreement for opening of JAK by private parties. Let a further status report be filed after collecting information from all the hospitals.

F. Expanding the scope of DAK to cover non trauma emergencies:

21. The Pradhan Mantri Jan Arogya Yojana scheme has been adopted by the GNCTD. The Memorandum of Understanding ('MoU') is already stated to be signed with the Ministry of Health and Family Welfare, Government on 5th April, 2025. Let the Scheme be fully implemented and if any further directions are required, the same may be sought by filing an application.

G. Implementation of PM-ABHIM scheme on pilot basis:

22. The MoU for implementation of Pradhan Mantri Ayushman Bharat Health Infrastructure Mission ('PM-ABHIM') is stated to have been signed on 10th April, 2025. Let the implementation of this scheme be started earnestly



and diligently.

23. The recommendations given by AIIMS in respect of setting up of Ayushman Bharat Kendras at various hospitals, including AIIMS, Delhi and implementation of PM-ABHIM scheme upgradation of facilities are captured below:

“AIIMS officials considered this as a welcome step and recommended the Health Department, GNCTD to set-up dedicated Ayushman Bharat Kendras at various hospitals including AIIMS New Delhi to facilitate the beneficiaries under AB-PMJAY.

AIIMS requested GNCTD to expedite the implementation of PM-ABHIM scheme and upgrade their facilities including establishment of 09 critical care blocks (CCBs), 11 Integrated Public Health Labs (IPHL) and upgradation of 12 Mohalla Clinics to Ayushman Arogya Mandirs (AAM)”

24. The above recommendations of the Director, AIIMS shall also be considered and placed before the competent authority and the decision be communicated to the Court by way of a status report.

25. Insofar as the training of GDMOs as also the starting of Diplomate of National Board (‘DNB’) courses, etc., is concerned, let the report of AIIMS as also the minutes of meeting be placed before the competent authority. The said authority shall consider whether it is feasible to start the DNB training courses in emergency medicine, super speciality as also consider revamping emergency and critical care services.

26. Insofar as the one-day conference at AIIMS is concerned, the date for the same may be decided by the Delhi Government in the month of May, 2025 itself and the said conference may be conducted in AIIMS.

27. Mr. Agarwal, has pointed out that there are 24 Government hospitals



which were semi-constructed and currently no work is taking place in those establishments.

28. Insofar as the continuation of construction at these hospitals, the stand of the GNCTD is as under:

“With the change of Government, it has been suggested that a committee of technical experts should be constituted to examine the entire issue and available infrastructure and suggest way forward to complete the projects with all facilities. Necessary directions will be issued shortly.”

29. Let the Committee of technical experts be constituted by the GNCTD and a proper plan along with timelines be placed, before the Court on the next date of hearing.

30. List on 26th May, 2025.

**PRATHIBA M. SINGH
JUDGE**

**MANMEET PRITAM SINGH ARORA
JUDGE**

APRIL 25, 2025

dj/rks