

CWP No. 12046 of 2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12046 of 2017 (O&M)

Date of Decision : 07.02.2018

Court on its own motion

...Petitioner

Versus

The PGIMER, Chandigarh and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE AJAY KUMAR MITTAL*
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amit Jhanji, Advocate
for the PGIMER, Chandigarh.

Mr. Satyapal Jain, Addl. Solicitor General of India with
Mr. Shivoy Dhir, Central Govt. Counsel
for Ministry of Health and Family Welfare.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

Mr. Jagmohan S. Ghuman, DAG, Punjab.

Mr. Suvir Sehgal, Senior Standing Counsel U.T. with
Ms. Aakanksha Sawhney, Additional Govt. Pleader
for U.T., Chandigarh.

Ajay Kumar Mittal, J.(Oral)

CM-1669-2018

Status report filed by the respondent-PGIMER, Chandigarh
is taken on record, subject to all just exceptions. Office to tag the same
at appropriate place.

CM stands disposed of.

CWP-12046-2017

On the suo-motu notice taken by Harinder Singh Sidhu, J.
on the basis of newspaper report regarding 9 month old girl, who was
returned from the PGIMER, Chandigarh without treatment, on the
ground that the father of the girl could not pay ₹2 lacs for such
treatment, the same was treated as a Public Interest Litigation and

Numbered as 12046 of 2017. On 12.06.2017, notice was issued to PGIMER, Chandigarh through its Director, State of Punjab, State of Haryana and the Health Secretary, Chandigarh Administration, Chandigarh. Thereafter on 19.07.2017 notice of motion was issued to Union of India, Ministry of Health and Family Welfare and Mr. Arun Gosain, Central Government Standing counsel accepted the notice on its behalf.

2. Reply by way of affidavit on behalf of respondent No. 2 has been filed. Affidavit of Dr. Satish Aggarwal, Director General Health Services, Haryana and affidavit of Sh. Satish Kumar, Under Secretary to the Government of India on behalf of respondent Ministry of Health and Family Welfare have been filed, wherein, various policies indicating the steps, which are required to be taken by various authorities have been enumerated and the schemes introduced for treatment of various types of patients in the respective States and Union of India. Learned counsel for the respondent-PGIMER, Chandigarh had filed status report on 09.10.2017, wherein, steps which were taken for treatment of the Baby girl as noticed in the note of the learned Single Judge on the basis of which, present petition was filed under Public Interest Litigation, have been narrated.

3. The latest status report by way of an affidavit of Dr. Devi Dayal, Professor, Department of Pediatrics, authorized representative, PGIMER, Sector-12, Chandigarh has been filed today. It has been, inter alia, stated therein that the Baby girl, namely, Chahat was initially examined in Pediatric OPD, Advanced Pediatrics Center, PGIMER on 20.04.2017 vide CR No. 201702713480, where she was advised and admitted in the Hospital. However, she could not get admission as the parents of the patient had not come prepared for the same. The

patient was required indoor admission to discuss in detail and plan investigations to detect the reason for her unusual weight gain as well as to assess for the complications that may be associated with obesity.

4. In para 2 of the status report, it has been submitted that patient was admitted on 11.05.2017 in the Pediatric Endocrinology Unit at Advanced Pediatrics Center, PGIMER vide Admission No. 2017033118. Patient was admitted as "POOR FREE" and all basic laboratory investigations done for evaluation of her obesity including MRI of brain (Pituitary) free of cost. The hospital had not charged any amount for the treatment or indoor stay of the patient as patient was receiving free services of Dietician, Physiotherapist and Physical Anthropologist and it has also been stated in the status report that various physical examinations of the patient were done and the treatment in the form of dietary modifications and Physiotherapy regimen required to control her weight, correction of vitamin D deficiency and supplementation with calcium and iron supplements was done. Further in paras 4 and 5, it has been stated that follow-up action has been taken and the parents have been advised carefully. The next follow-up action is due in mid-February, 2018. The said paras read as under :-

"4. That the baby Chahat was scheduled for a follow up visit and the parents of the child were duly contacted/informed regarding the follow up visit after 15.08.2017. The plan was to do genetic investigations for other family members and start the patient on Leptin Therapy. Subsequently, the baby was brought for follow up by the parents on 12.09.2017 and was duly attended by Dr. Devi Dayal (Prof.). The doctors conducted further tests on the baby and her parents. The sample for genetic

samples of parents have been stored and sent to Bengaluru Lab which conducted the initial genetic test of the baby. Further the baby has been started on an oral medication to reduce fat absorption and definitive treatment with leptin hormone will be started after completing parents tests.

5. That thereafter the baby Chahat was brought for follow-up in November, 2017. *The parents are following the advise carefully and the child has shown consistent improvement. Her weight is stable at 19 kilograms and her mobility has improved.* The patient is due for next follow-up in mid-February, 2018.”

5. In view of the above, no further action is called for as the patient is being taken care of by the PGIMER from time to time and the writ petition stands disposed of accordingly.

(AJAY KUMAR MITTAL)
JUDGE

February 07, 2018
kanchan

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No