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

Date of decision: 26.08.2021

+ W.P.(C) 5248/2021, CM APPL. 16100/2021

DR KAUSHAL KANT MISHRA

..... Petitioner

Through: Mr. Rohan Thawani, Ms. Pooja Dhar,
Mr. Gunjan Ahuja & Mr. Iqram
Govind Singh, Advocates.

versus

GOVT OF NCT OF DELHI & ORS.

..... Respondent

Through: Mr. Satyakam, Additional Standing
Counsel for the respondent/ GNCTD.
Mr. Anurag Ahluwalia, Advocate for
respondent/ UOI.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE JASMEET SINGH

VIPIN SANGHI, J. (ORAL)

1. The petitioner has preferred the present writ petition to seek a writ of certiorari to quash clause (f) of the impugned order No. DDMA/COVID-19/2020/126 dated 02.05.2020 issued by Delhi Disaster Management Authority (DDMA); and to quash the impugned order No. 52/DGHS/PH-IV/COVID-19/2020/prsecyhfw/7197-7207 dated 08.05.2020 issued by the Department of Health & Family Welfare, Government of NCT of Delhi. The impugned orders – of which the petitioner seeks quashing, are set out hereunder:

(i) Order No. DDMA/COVID-19/2020/126 dated 02.05.2020;

*“Government of NCT of Delhi
Delhi Disaster Management Authority*

No. DDMA/COVID-19/2020/126

Date: 02.05.2020

ORDER

Whereas, the Delhi Disaster Management Authority (DDMA) is satisfied that the NCT of Delhi is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organization, and has considered it necessary to take effective measures to prevent its spread in NCT of Delhi;

And whereas, the officers/officials of Government of NCT of Delhi, autonomous bodies, corporations and local bodies are entrusted with duties/ responsibilities relating to the measures taken to prevent spread of COVID-19 and lockdown relating thereto, all over Delhi;

And whereas, it has come to notice that some officers/ officials of Government of NCT of Delhi have tested positive for COVID-19 while performing their duties and there may be possibilities of more officers/ officials getting infected;

And whereas, it is imperative on the part of the Government to ensure proper welfare and health facilities to its officers/ officials;

*Now therefore, in exercise of the powers conferred under Section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, GNCT of Delhi, hereby appoints **Sh. Nikhil Kumar, CEO (Delhi Jal Board)** as **State Nodal Welfare Officer** to provide all necessary help I assistance (including welfare & proper medical treatment) to COVID-19 positive officers/ officials of Government of NCT of Delhi, Autonomous Bodies, Corporations and Local Bodies.*

State Nodal Welfare Officer shall take all necessary actions including following on urgent basis:-

- a) To set up a Staff Welfare Cell for regular interaction with infected officers/officials as well as their family members to know the state of health and the problems if any every day and to take all efforts to resolve their problems as far as possible.*
- b) To set up a dedicated 24x7 helpline number under Staff Welfare Cell and to*

circulate it widely to all officials/ officers through various means.

- c) To arrange psychological counselling, moral support and experience sharing with infected officers/ officials and their family members.*
- d) To ensure that all contacts of COVID-19 positive cases are quarantined as per protocol.*
- e) To ensure that the infected employee/family has access to supply of essential goods / services/ medicines. .*
- f) To identify and earmark two dedicated hospitals in Delhi and one exclusive testing laboratory (which are covered under DGEHS) for testing and treatment/ hospitalization of COVID-19 infected/ suspected Delhi Government Officers/ Officials and their family members on cashless basis, and to circulate the list of such hospitals and laboratory to all HoDs of Departments/ Autonomous Bodies/ Corporation/ Local Bodies of GNCT of Delhi to sensitize their officers/officials in this regard.*
- g) To maintain District-wise and Department wise details of all such Officers/Officials (including follow up actions).*

All District Magistrates are also directed to provide details of officers/officials found COVID-19 positive in their district on daily basis to State Nodal Welfare Officer, for further action as above.

(Vijay Dev)
Chief Secretary, Delhi”

(ii) Order No. 52/DGHS/PH-IV/COVID-19/2020/prsecyhw/7197-7207 dated 08.05.2020;

**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
9th LEVEL, A-WING, DELHI SECRETARIAT, IP ESTATE, NEW DELHI -110002
Ph: 011-23392017, Fax: 011-23392464. email; pshealth@nic.in**

ORDER

In pursuance of Delhi Disaster Management Authority order no DDMA/COVID-19/2020/126 dated 02.05.2020 appointing State Nodal Welfare Officer to facilitate the treatment of COVID-19 positive officers/ officials of Govt. of NCT of Delhi, Autonomous Bodies, Corporations and Local Bodies and their family members and letter No. DJB/COVID-19/2020/O.O No./1 dated 03.05.2020 of State Nodal Welfare Officer requesting Pr Secretary (H & FW) to designate Hospitals & Laboratory for treatment of officers/ officials, Hon'ble Health Minister is pleased to order the following:

- 1. Rajiv Gandhi Super Specialty Hospital (RGSSH) would be extended in following hotel premises. District Magistrate, Shahdara is directed to requisition these rooms in the Hotels and placed at the disposal of RGSSH immediately.*

<i>S. No.</i>	<i>Hotel</i>	<i>Type</i>	<i>No Rooms</i>
<i>1</i>	<i>Hotel Ginger, Vivek Vihar</i>	<i>Budget</i>	<i>70</i>
<i>2</i>	<i>Park Plaza, Shadara</i>	<i>Five Star</i>	<i>50</i>
<i>3</i>	<i>Leela Ambience, CBD Ground</i>	<i>Five Star</i>	<i>50</i>

RGSSH (including extended in Hotels) and Laboratory is hereby designated for the treatment of COVID-19 positive officers/officials of Govt. of NCT of Delhi, Autonomous Bodies, Corporations & Local Bodies and their family members.

- 3. Director, RGSSH is directed to provide COVID Health care facility at these Hotels to the COVID positive officer/officials treating as if they are admitted in the Hospital. Serious patients could be shifted to main hospital area.*

The treatment/quarantine of COVID-19 positive officers/officials of Government of NCT of Delhi, Autonomous Bodies, Corporations & Local Bodies and their family members exclusively provided at these facilities .

(Padmini Singla)
Secretary (Health & FW)"

(iii) Order No. 52/DGHS/PH-IV/COVID-19/2020/prsecyhw/9799-9828 dated 31.05.2020; and

**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT
9th LEVEL, A-WING, DELHI SECRETARIAT, IP ESTATE, NEW DELHI -110002
Ph: 011-23392017, Fax: 011-23392464. email: pshealth@nic.in**

No. 52/DGHS/PH-IV /COVID-19/2020/prsecyhw/9717-90 Dated : 31/05/2020

ORDER

In continuation of order No. No. 52/ DGHS/ PH-IV / COVID-19/2020/prsecyhw/7197-7207 dated 08.05.2020 where following three (03) hotels were notified to accommodate Govt. of NCT of Delhi's officers/ officials for COVID treatment.

S. No.	Hotel	Type	No Rooms
1	Hotel Ginger, Vivek Vihar	Budget	70
2	Park Plaza, Shadara	Five Star	50
3	Leela Ambience, CBD Ground	Five Star	50

To augment the availability of such beds in Hotel rooms, it is decided to notify, Golden Tulip Essentials, Plot No.1C, Sub District Centre, Hari Nagar, New Delhi-10061 as additional Hotel to be used for accommodating of Government of NCT of Delhi's Officers/ Officials for COVID treatment.

Other modalities and terms and conditions would remain same, as it was order dated 08.05.2020.

This issues with the approval of Hon'ble Minister (Health & Family Welfare).

**(Padmini Singla)
Secretary (Health & FW)”**

(iv) 10/H&FW/Misc/COVID-19/2021/554hfw/875-894

Dated: 27.04.2021

**“GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
HEALTH & FAMILY WELFARE DEPARTMENT,
9TH LEVEL, A-WING, DELHI SECRETARIAT, IP ESTATE, NEW DELHI-110 002
PH: 011 -2339 2017; FAX: 011-2339 2464; e-mail: pshealth@nic.in**

No. 10/H&FW/Misc/COVID-19/2021/554fw/875-894

Dated: 27.04.2021

ORDER

Attention is invited to this office order No. 52/DGHS/PH-IV/COVID-19/2020/prsecyhfw/7197-7207 dated 08/05/2020 and order No. 52/DGHS/PH-IV/COVID-19/2020/prsecyhfw/9799-9828 dated 31/05/2020 whereby the following Hospitals linked with Hotels mentioned below, were designated for the treatment of COVID-19 positive Officers/Officials of Govt. of NCT of Delhi, Autonomous Bodies, Corporations & Local Bodies and their family members.

S. No.	Hotel	No. of Rooms	Hospitals
1	Hotel Ginger, Vivek Vihar	70	Rajiv Gandhi Super Specialty
2	Park Plaza, Shadara	50	Rajiv Gandhi Super Specialty
3	Leela Ambience, CBD Ground	50	Rajiv Gandhi Super Specialty
4	Hotel Golden Tulip Essential, Hari Nagar	Full	Deen Dayal Upadhyay Hospital

It is hereby directed that the said facilities be restarted with immediate effect, if not already functional. District Magistrate, Shahdara and District Magistrate, West are directed to re-requisition the facilities, if released earlier, and place the same at the disposal of the RGSSH/DDUH respectively.

Director, RGSSH and Medical Superintendent, DDU are directed to provide Covid Health Care facility at these Hotels to the COVID positive officer/officials/their families treating them as if they are admitted in the Hospital. Serious patients could be shifted to the main Hospital Area.

The treatment/Quarantine of COVID-19 positive officers/officials of Govt. of NCT of Delhi, Autonomous Bodies, Corporations & Local Bodies and their family members shall be provided at these facilities exclusively.

This issues with the approval of Competent Authority.

(S M Ali)
SPL. SECRETARY (H&FW)”

2. The submission of Mr. Thawani – learned counsel for the petitioner, firstly, is that the right to life & personal liberty guaranteed under Article 21 of the Constitution of India includes the right to receive medical treatment. In this regard, he places reliance upon *Association of Medical Superspecialty Aspirants and Residents & Others vs. Union of India & Others*, [(2019) 8 SCC 607]; and *Bharat Sanchar Nigam Limited vs. Telephone Cables Limited* [(2010) 5 SCC 213].

3. Mr. Thawani submits that the DDMA issued the first impugned order dated 02.05.2020 – whereby the DDMA sought to permit creation of exclusive facilities for medical treatment of officers/ officials of Government of NCT of Delhi, autonomous bodies, corporations and local bodies who contract Covid-19 while performing their duties. He submits that creation of exclusive facilities for such officers/ officials would fall foul of Article 14 of the Constitution of India, and also impinge on the right to life & personal liberty of other citizens of Delhi looking for treatment of Covid-19 in hospitals in the NCT of Delhi, since they would be deprived of receiving treatment, as the limited resources of the State are sought to be reserved for treatment of officers/ officials of Government of NCT of Delhi, autonomous bodies, corporations and local bodies. He further submits that, in contrast, the earlier order dated 14.04.2021 issued by the Principal Secretary (Health & FW), GNCTD, which creates other facilities for attachment with hospitals, did not provide for any exclusive reservation for any class of persons.

4. Mr. Thawani submits that the impugned orders, by stipulating that a

special class of persons shall be treated by Rajiv Gandhi Super Specialty Hospital and Deen Dayal Upadhyay Hospital in the attached hotels, divert critical health resources of the community away from the common citizens and in favour of powerful members of the Government, which ex-facie offends the right to health reserved under Article 21 of the Constitution.

5. He further submits that such exclusive reservation, leads to lock-in of critical resources, such as, oxygen and medicines which are, therefore, not made available to the common man, who are desperately looking for hospital beds and medical resources.

6. Lastly Mr. Thawani submits that the subsequent impugned orders issued in pursuance of the impugned order dated 02.05.2020, have all been issued without authority of law, in as much, as, they have not been issued by the Nodal Officer Sh. Nikhil Kumar, CEO, Delhi Jal Board who has been appointed as the State Welfare Nodal Officer but by other authorities – as would be evident from reading of the said orders. It is, therefore, submitted that the impugned orders – founded upon the order dated 02.05.2020, have been issued without any authority of law, and on that ground, they are liable to be quashed.

7. Mr. Thawani has sought to place reliance on the case, *Indian School, Jodhpur v. State of Rajasthan* [2021 SCC Online SC 359] and in particular paragraphs 112 and 119 thereof, which read as follows:

“112. Going by the scheme of the Act of 2005, the State Authority established under Section 14 known as State Disaster Management Authority is expected to formulate policies and plans for disaster management in the State. Indeed,

such policies and plans may include mitigation measures in respect of persons affected by disaster. The mitigation measures, however, are aimed merely for reducing the risk/impact or effects of a disaster or threatening disaster situation. Considering the sphere of functions of the State Authority including the State Executive Committee or different Authorities established at concerned level within the State, there is not even a tittle of indication that in the name of mitigating measures, the disaster management plan may comprehend issue of direction in respect of economic aspects of legitimate subsisting contracts or transactions between two private individuals with which the State has no direct causal relationship, and especially when the determination of compensation/cost/fees is the prerogative of the supplier or manufacturer of the goods or service provider of the services. The scheme of the Act of 2005 obligates the State Authority to assuage the concerns of the persons arising from “direct impact” of the disaster and to take mitigation measures to minimise the impact of such disaster and for that purpose, resort of capacity-building including of its own resources to wit, manpower, services, materials and provisions as noted in Section 2(p), and preparedness measures referred to in Section 2(m). It is not possible to countenance the persuasive argument of the respondents that expansive meaning be assigned to the provisions of the Act of 2005 so as to include power to reduce school fees of private unaided school albeit fixed under the Act of 2016 and which by law is to remain in force until academic year 2020-21.

119. Having regard to the purport of the Act of 2005, it is unfathomable as to how the State Authorities established under the stated Act can arrogate unto themselves power to issue directions to private parties on economic aspects of legitimate subsisting contractual matters or transactions between them inter se. In any case, the impugned order has not been issued by the State Authority referred to in the Act of 2005. It is not enough to say that the same was issued under the directions of the Chief Minister of the State. For, the Chief Minister is only the Chairperson (Ex officio) of the State Disaster Management Authority established under Section 14 of the Act of 2005. Suffice it to observe that there is no provision in the Act of 2005 which concerns or governs the subject of interdicting the school fee structure fixed under the Act of 2016.”

8. He places reliance on the aforesaid decision in support of his submissions that the Nodal Officer Sh. Nikhil Kumar, CEO (Delhi Jal Board) not having issued the orders founded upon the first impugned order

dated 02.05.2020, they have been issued incompetently.

9. We have considered the submissions of Mr. Thawani.

10. In our view, the State is obliged to provide medical facilities to all the citizens, which includes those citizens who are running the wheels of the administration. During the height of the Pandemic, there was even greater need of governance, since the uncontrolled fire of the Pandemic was raging at its height. It required government officers and officials, and those serving with other local bodies and autonomous bodies to work in the field, even at odd hours, at great risk to their own lives. During the period of the lockdown, while the common citizenry were holed up in their homes, it is the Government officers and officials, and those serving with autonomous bodies, corporations and local bodies, who were out on the streets to manage the situation. If such officers/ officials were to fall sick, and were not to receive treatment for COVID-19, not only would they have to suffer but the entire citizenry of Delhi would have suffered. The wheels of administration in the NCT of Delhi would have come to a grinding halt. Without even this much of assurance that they would receive treatment, in case, they contracted COVID-19 disease in the discharge of their duties, such officers and officials would not have been able to discharge their duties in the field without fear, and with the attention and focus with which they were required to do so.

11. In our view, such officers/officials constituted a different class on account of the nature of their duties and responsibilities, which they were required to perform during the height of the Pandemic. Such officers/

officials, who were required/ bound to attend to their duties by stepping out of the comfort and security of their homes, certainly could not have been equated with those who had the option to remain inbound, and not step out to discharge their duties and obligations.

12. The submission of Mr. Thawani that the resources of the State were tied down and locked-in, is a submission which does not take into account the ground reality, as it existed, at the height of the second wave of the Pandemic that was experienced in the NCT of Delhi. There was such huge shortage of medical facilities-such as Oxygenated Beds, ICU Beds, Medicines, Medical Doctors and Paramedic staff, that there was no question of any of the facilities remaining underutilized. The submission of the petitioner that the resources of the State, on account of exclusive reservation, remained underutilized has no factual basis, and none has been brought on record.

13. So far as the submission of Mr. Thawani - that the orders impugned in this petition, founded upon the impugned order dated 02.05.2020 were issued without authority of law, is concerned, we find that the petitioner has not specifically raised the said issue in the writ petition. Mr. Satyakam submits that this ground should have been pleaded with clarity, for him to deal with the same elaborately.

14. In this regard, he has also placed his reliance on the judgment of the Madhya Pradesh High Court on *MP Bus Operator Association vs. State of MP* [2021 SCC Online MP 1477] decided on 09.08.2021 wherein, in similar circumstances, the Madhya Pradesh High Court did not entertain the similar

plea raised by the petitioner in that case. He specifically refers to para 21, of which relevant extract reads as follows:-

“21. The next contention is based on the aspect of competency of the authority. The order impugned shows that it is issued by respondent no. 3. The order is silent whether it is based on a decision of a committee under section 22 or not. On a specific query from the bench, learned counsel for the appellant fairly submitted that in the writ petition, there was no pleading in relation of aspect of competence in as much as it is argued before us that no committee constituted under section 20 of the Act of 2005 has issued the impugned orders. In absence of any such pleading and foundation, at appellate stage, no interference is warranted. In our considered view, in the writ petition the appellant/petitioner should have pleaded the aspect of competence with accuracy and precision. In that case, the respondent/State would have been in a position to address the question of competence. By perusal of impugned order alone it cannot be said with certainty that it was not issued pursuant to decision taken by the competent committee. It is not unknown government practice where decisions are taken by competent authority/committee and it is communicated by any other officer. The officer communicating the decision may not be competent to take such decision. Thus, it was a mixed question of facts and law which should have been specifically pleaded in the writ petition.”(emphasis supplied)

15. Mr. Satyakam has drawn our attention to the provisions of the Disaster Management Act, 2005. Under the Scheme of the Act, it is the Statutory Authorities mentioned therein, who are entrusted with the task of enforcing the objects of the Act.

16. The Respondent has drawn our attention to the definition of “State Government” contained in Section 2(s), which means “*the Department of Government of the State having administrative control of disaster management and includes Administrator of the Union Territory appointed by the President under Article 239 of the Constitution*”.

17. Mr. Satyakam submits that the concerned department of the Government of NCT of Delhi, which has administrative control over Public Health, Hospitals and dispensaries, is the Health and Family Welfare Department as per the Allocation of the Business Rules which have also been placed on record. These rules were notified vide notification No. F.57/1/92-S.I./Vol.III dated 01.12.1993.

18. He has also placed on record the order dated 03.05.2020, issued in pursuance of the first impugned order dated 02.05.2020 by the State Nodal Welfare Officer Sh. Nikhil Kumar, CEO (Delhi Jal Board), wherein he makes reference to the order dated 02.05.2020 issued by the Chairperson, State Executive Committee, GNCTD appointing him as the State Nodal Welfare Officer u/s 22 for achieving the stated mandate and to provide all necessary help/assistance to COVID-19 positive officers/officials of the Government of NCT of Delhi, Autonomous Bodies, Corporations and Local Bodies. In the light of paras 6(a) to 6(g) of the Order dated 02.05.2020 he suggested the following for urgent consideration and action:-

- i) *To provide psychological counselling, moral support and experience sharing with infected officer/officials and their family members, it is requested that a panel of trained psychological counsellors/psychologists may kindly be prepared and conveyed for offering need-based services to the patients/relatives, as per the communication/request made through the Staff Welfare Cell. The order for constitution of Staff Welfare Cell is also enclosed herewith(Annexure-2)*
- ii) *Necessary action to identify and earmark two dedicated hospitals in Delhi and one exclusive testing laboratory (which are covered under DGEHS) for testing and treatment/ hospitalization of the COVID-19*

infected/suspected Delhi Govt. officers/officials and their family members on cashless basis may kindly be undertaken on priority, so that the list of such Hospitals and laboratories is circulated to all HODs of Departments/ Autonomous Bodies/ Corporations/ Local Bodies of GNCT of Delhi can be done as per the directives of DDMA.

- iii) *Sh. S.M. Ali, IAS, Special Secretary (Health) has been co-opted as a member of the SWC to assist the undersigned in the discharge of the assigned responsibilities as State Welfare Nodal Officer. It is requested that a Medical Officer, fully conversant with COVID-19 may be designated for day-to-day coordination and facilitation in ensuring necessary help/assistance to COVID-19 affected officers/officials. (emphasis supplied)*

19. Mr. Satyakam has also drawn our attention to Section 20 of Delhi Disaster Management Act which talks of the State Executive Committee. The State Executive Committee consists of the Chief Secretary to the State Government, who shall be Chairperson, *ex-officio*; and four Secretaries to the Government of the State, of such department as the State Government may think fit, *ex-officio*.

20. The Chairperson of the State Executive Committee is empowered to exercise such powers and perform such functions as may be prescribed by the State Government, and such other powers and functions as may be delegated to him by the State Authority. Section 22 enumerates the functions of the State Executive Committee which, primarily, is responsible for implementing the National Plan and State Plan, and to act as a Coordinating Monitoring Body for management of disaster in the State.

21. Mr. Satyakam has also drawn our attention to the powers and functions of the State Executive Committee in the event of threatening disaster situation - with which the State was, and continues to deal, due to the prevalence of COVID-19 pandemic. It states that for the purpose of assisting and protecting the community affected by disaster, or providing relief to such community, or preventing or combating disruption, or dealing with the effects of any threatening disaster situation, the State Executive Committee may inter alia:-

(e) give direction to the concerned Department of the Government of the State, any District Authority or other authority, within the local limits of the State to take such measure or steps for rescue, evacuation or providing immediate relief saving lives or property, as may be necessary in its opinion;

(f) require any department of the Government of the State or any other body or authority or person in charge of any relevant resources to make available the resources for the purposes of emergency response, rescue and relief;

22. Mr. Satyakam submits that in the light of the aforesaid statutory scheme, the submissions of Mr. Thawani that the impugned orders issued in pursuance of the primary impugned order dated 02.05.2020 are without authority of law, has no merit.

23. He further submits that these orders were issued in the year 2020 - during the end of the 1st COVID-19 wave, whereas the petition has been preferred only after the 2nd COVID-19 wave has ended. Therefore, the orders impugned by the petitioner have worked themselves out with the passage of time.

24. We may turn to the orders impugned by the petitioner founded upon the first impugned order dated 02.05.2020 issued by the DDMA. The order

dated 08.05.2020 has been issued by the Health Minister, whereby, Government hospital namely, Rajiv Gandhi Super Speciality Hospital was made as the link hospital in respect of the facilities created at Hotel Ginger, Vivek Vihar; Park Plaza, Shahdara; and Hotel Leela Ambience, CBD Ground.

25. Similarly, vide order dated 31.05.2020, another hotel namely; Golden Tulip Essential, Harinagar, was also linked to Rajiv Gandhi Super Speciality Hospital. Since the concerned department of the GNCTD was the Health and Family Welfare Department - which is tasked with the responsibility of addressing issues relating to Public Health, Hospitals and Dispensaries, and the order dated 08.05.2020 has been issued by the Health Minister, in our view, there is absolutely no lack of authority/competence in the authority that had issued these orders.

26. The next order which is impugned is dated 27.04.2021, which merely seeks to attach the facilities created at Hotel Ginger, Vivek Vihar; Hotel Park Plaza, Shahdara; Hotel Leela Ambience, CBD Ground; and Hotel Golden Tulip Essential, Hari Nagar with the Government Hospitals. This order also refers to the earlier orders issued in the year 2020 (referred to above), whereby these facilities were linked to Rajiv Gandhi Super Speciality Hospital. On this occasion, Golden Tulip Essential, Hari Nagar was linked to Deen Dayal Upadhaya Hospital, which is another hospital of the Government of NCT of Delhi. Merely because the order dated 27.04.2021 has been issued under the signature of the Special Secretary (Health & Family Welfare), Sh. S.M. Ali, it does not cease to be an order issued by the concerned department of the State Government. There is no

case made out by the Petitioners, that this order dated 27.04.2021 was not backed by the approval of the Competent Authority.

27. In any event, we do not find any merits in the submissions of Mr. Thawani that the orders in pursuance of the first impugned order dated 02.05.2020 have not been issued by the competent authorities. For the above-said reasons the petition is dismissed.

VIPIN SANGHI, J

JASMEET SINGH, J

AUGUST 26, 2021

kd/aks/aj/dm

