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

Date of decision: 12.07.2022

+ **LPA 408/2022**

GOVT OF NCT OF DELHI & ANR.

.....Appellants

Through: Ms Avnish Ahlawat, Standing
Counsel with Mr Uday Singh
Ahlawat and Mr N.K. Singh,
Advocates.

versus

INDIAN PROFESSIONAL NURSES ASSOCIATION

.....Respondent

Through: Dr Amit George with Mr Piyo Harold
Jaimon and Mr Rayadurgam Bharat,
Advocates.

CORAM:**HON'BLE MR JUSTICE RAJIV SHAKDHER****HON'BLE MS JUSTICE TARA VITASTA GANJU****[Physical Hearing/Hybrid Hearing (as per request)]****RAJIV SHAKDHER, J.: (ORAL)****CM APPL. 30090/2022**

1. Allowed, subject to just exceptions.

LPA 408/2022, CM APPL.30089/2022*[Application filed on behalf of the
appellants seeking interim relief]*

& CM APPL. 30091/2022*[Application filed on behalf of the appellants
seeking condonation of delay]*

2. This appeal is directed against the order dated 17.05.2022 passed by
the Learned Single Judge, in Cont. Case No. (C.)116/2021.



3. Ms Avnish Ahlawat, who appears on behalf of the appellants, is apprehensive of the directions contained in paragraph 17 of the said order. For the sake of convenience, the said paragraph is extracted hereafter:

“17. It is expected that the GNCTD shall comply with the Order dated 22.07.2019 before the next date of hearing. In case the said Order is not complied with, the concerned Officers are directed to be present in the Court to explain as to why contempt proceedings under Section 12 of the Contempt of Courts Act, 1971 should not be initiated against the erring Officers.”

4. As is evident on a perusal of the aforesaid extract, the Learned Single Judge has observed that the appellant is expected to comply with the order dated 22.07.2019 and that in case the said order is not complied with, the “concerned officers” would remain present in Court, to explain as to why contempt proceedings should not be initiated against the erring officers.

4.1 The order dated 22.07.2019 has been passed by a Division Bench of this Court in WP(C.) 5103/2017 and WP(C.) 7996/2018.

5. A perusal of the aforesaid judgment would show that it is predicated on the judgment of the Supreme Court dated 29.01.2016 passed in W.P(C.) 527/2011, and the recommendations of the expert committee, constituted by the Central Government at the behest of the Supreme Court.

5.1. The recommendations of the committee are set forth on page 66 of the case file.

6. Apparently, pursuant to the aforementioned events having occurred, the Director General of Health Services, Government of National Capital Territory of Delhi (GNCTD) issued the order dated 25.06.2018.[See page 76



of the case file.]

6.1. Ms Ahlawat says that the aforesaid order stood withdrawn *via* order dated 25.11.2021. [See page 160 of the case file.]

7. We are also informed by Ms Ahlawat that the order dated 25.06.2018 was assailed by private hospitals *via* Association of Healthcare Providers (India). This writ petition was numbered as W.P (C) 7291/2018.

7.1. A Single Judge of this Court, *via* judgment dated 24.07.2019, dismissed the said writ petition.

8. We are further informed that an appeal has been preferred against the judgment i.e., LPA 657/2019, which is pending consideration.

9. Thus, in sum, Ms Ahlawat says these are the broad facts which the appellant/GNCTD would like to place before the Learned Single Judge.

10. We may note that Dr Amit George, who appears on behalf of the respondent, says that the appellant/GNCTD had, in the first instance, supported the order dated 25.06.2018 passed by the Director General of Health Services, GNCTD, and after nearly three years, the said order was withdrawn on 25.11.2021.

10.1. Dr George says that the stand of the appellant/GNCTD, in the facts of this case, is both unreasonable and unfair.

11. Having heard the learned counsel for the parties, we are of the view that the Learned Single Judge has not taken a definitive view in the matter, and therefore, these are aspects which can be placed before him.

12. Therefore, the appeal is disposed of with liberty to both sides to canvass their respective contentions before the Learned Single Judge, in the pending contempt petition.



13. Consequently, pending applications shall also stand closed.

RAJIV SHAKDHER, J

TARA VITASTA GANJU, J

JULY 12, 2022 / tr

[Click here to check corrigendum, if any](#)

