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

+ **W.P.(C) 15816/2024, CM APPL. 66417/2024**

IRSHAD KHAN

.....Petitioner

Through: Mr. Abdul Salam, Advocate.

versus

THE STATE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Puhimi Aditya, Advocate for
Mr. Jawahar Raja, ASC (Civil)
GNCTD for R-1 to 3.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **14.11.2024**

1. The Petitioner asserts that he met with an accident on 13th April, 2019 at Lal Market Bhopura, Ghaziabad and he was treated for blunt injury at Swami Dayanand Hospital.¹ Thereafter, a written complaint was submitted by the wife of the Petitioner to SHO, PS, Sahibabad, Ghaziabad. During his treatment at SDN Hospital, the Petitioner purportedly witnessed the hospital staff, including some doctors and health inspectors, engaging in bribery for issuing false MLCs, fitness certificates, and other medical documents. Additionally, they allegedly charged inflated fees for MRI and X-ray services, demanding 2-3 times the standard rates. He also claims that a false report was created in collusion with Tata Insurance Company to deny him his accident claim. In response, the Petitioner submitted complaints on 1st October 2020 to the Chief Minister, Health Minister, and the Medical



Superintendent of SDN Hospital. Subsequently, the Petitioner received emails from the Additional Medical Superintendent as well as the Medical Superintendent, SDN hospital, in which he was asked to appear in the hospital on 12th October with evidence against the aforementioned people. The Petitioner appeared before the enquiry at SDN Hospital on 12th October, 2020. A few days later he enquired from the medical superintendent regarding the action taken on his complaint which was duly submitted on 13th October, 2020. However, as no action was taken against the said individuals, the Petitioner filed a complaint with the Lokpal of India, which has now been decided through the impugned order dated 10th January, 2023,² in the following terms:

¹ “SDN Hospital”

² “Impugned order”



LOKPAL OF INDIA
[Plot No. 6, Institutional Area, Phase-II, Vasant Kunj]
New Delhi - 110070

Complaint No. : 4443/2022.
Date : January 10, 2023.
Coram : **Justice Abhilasha Kumari**
Judicial Member
Smt. Archana Ramasundaram
Member
Dr. Indrajeet P. Gautam
Member

ORDER

By way of this complaint, the complainant has levelled allegations against the then Municipal Commissioner and Director of Swami Dayanand Hospital (SDN Hospital), Dilshad Garden, Delhi. The complainant alleges that when he was admitted to SDN Hospital for treatment of injuries received in an accident, he observed various irregularities committed by doctors and the hospital staff and administration. He has alleged that a false report was made regarding him, with the involvement of the Tata Insurance Company, regarding his accident claim. He has further alleged that doctors and officials are indulging in malpractices. The complainant has made several complaints to the Commissioner of Police and other authorities, but claims that no action has been taken.

2. The complaint was considered by the Full Bench of the Lokpal of India on 15.09.2022 and, by an order of that date, the Municipal Commissioner, Delhi Municipal Corporation, was directed to conduct an enquiry and file a Status Report on, or before 25th October, 2022.



3. After availing of extension of time, the MCD, vide its letter dated 20.12.2022 has submitted the Status Report. It is clear therefrom that initially, an Enquiry Board was constituted under the Chairmanship of the Additional Medical Superintendent of the SDN Hospital, to look into the grievances of the complainant. The Enquiry Board found that the allegations levelled by the complainant were false and fabricated, with malafide intent.

4. Thereafter, on another complaint in which allegations were made against several doctors and officials of SDN Hospital regarding destruction of evidence such as camera and memory card, an Inquiry Committee chaired by the Director, Hospital Administration/EDMC(HQ) was constituted. The conclusion arrived at by this Committee was to the effect that the allegations made by the complainant were concocted and frivolous and it was recommended that the matter be closed. The complainant had participated in these proceedings and admitted that he was illiterate.

5. An enquiry has now taken place by the Vigilance Department, MCD pursuant to the order of the Lokpal of India. Statements of doctors and officials of SDN hospital were recorded and all relevant files and documents collected by the Vigilance Team. After scrutiny, it was found that the allegations of the complainant regarding submission of incriminating electronic evidence, which was allegedly destroyed, is without substance. However, the complainant did not appear or participate in the enquiry proceedings, despite several letters and reminders.

6. The complainant has not produced a copy of the reports of DCP (Shahdara), Delhi, ACP (PG Cell), SHO, PS, GTB Enclave and



SSP, Ghaziabad in the complaint dated 29.7.2022, filed before the Lokpal of India in which mention has been made of them and, upon enquiry, none of these could be verified.

7. It is observed in the Report that the complainant kept on shifting his allegations from one authority to another, without providing any evidence or documentary proof, in support thereof. The allegations of the complainant, therefore, have not been substantiated.

8. Having perused the Status Report, we are of the view that the matter has been enquired into thoroughly, not once, but thrice, and no substance has been found in the allegations levelled by the complainant. We, therefore, find no reason to justify the taking of any further action in the matter.

9. In view of the above, the complaint is closed and the matter disposed of, accordingly

Sd/-
(Justice Abhilasha Kumari)
Judicial Member

Sd/-
(Smt. Archana Ramasundaram)
Member

Sd/-
(Dr. Indrajeet P. Gautam)
Member


COURT MASTER,
LOKPAL OF INDIA.

2. The Petitioner is dissatisfied with the outcome of the complaint and makes certain assertions, which the Court considers appropriate to extract from the petition itself to rule out any ambiguity, and the same read as follows:

"... 4. That on raising continuous demand of money for preparing the medical documents and their attestation, on being compelled the petitioner then talk sting operation by taking money from the petitioner and others as well and also having liquor while on duty in the hospital and the same can be ascertained through photographs and video recording.

5. That the initial are that on 12.10. 2020 the petitions appeared before the inquiry board at Swami Dayanand Hospital, Dilshad Garden, Delhi where



the petitioner answered the query raised by the Board and the same can be ascertained through CCTV footage.

6. That the members of the Board asked the petitioner to submit the original memory card and camera as well. At this, the petitioner made a request to receive the same with the seal of the concern but one of the member gave signature for receive but without seal and diary number on the face of the petitioner saying that come again on 13.10 .2020 as the seal was not with them on 12.10 .2020.

7. That on 13.10.2020 the petitioner was again asked to appear before the Board as the board has already summoned the person involved with the case for identification and as such the person whose name were/are there in the complaint which was duly received by the office of SDN Hospital EDMC vide diary No. 7206 dated 13.10.2020 mentioning therein with the deposition of original camera memory card 8 GB and 4 GB.

8. That it is very surprised to say that the petitioner did not appear on 13.10.2020 or provide any document as asked for though the petitioner continuously appeared 12.10.2020 and 13.10 .2020 and also submitted the documents against receipt....”

3. None of the assertions of the Petitioner, make out any case for this Court to interfere with the decision of the Lokpal of India. The impugned order has taken note of the enquiries conducted by the Vigilance Department of the MCD, which establishes that the matter has been enquired and none of the allegations made by the Petitioner could be verified. The Impugned order also notes that the complainant has been shifting his allegations, changing his stand from one authority to another, without providing any concrete or tangible evidence, in support of the allegation.

4. In light of the above, the Court does not find any ground to interfere with the Impugned order and the petition is dismissed along with pending application.

SANJEEV NARULA, J

NOVEMBER 14, 2024/nk