

Court on Its Own Motion Vs. Union of India and ors.

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Court : Delhi

Decided On : Jan-12-2011

Judge : Sanjiv Khanna, J.

Appeal No. : W.P.(C) 8081/2010

Appellant : Court on Its Own Motion

Respondent : Union of India and ors.

Advocate for Def. : Mr. A.S. Chandhiok; Mr. Neeraj Chaudhri, Advs.

Judgement :

1. The present Public Interest Litigation was suo motu initiated by this Court on the basis of a report published in Hindustan Times captioned "Man dies as 3 hospitals refuse him treatment". Be it noted, the deceased a vegetable vendor was hit by a speeding vehicle and thereafter he went to the three hospitals, viz., Babu Jagjiwan Ram Hospital, in Jahangirpuri, Sushruta Trauma Centre near Kashmere Gate and Lok Nayak Hospital (LNH) near Delhi Gate but the doctors in the said hospitals declined to admit him. He died.

2. A counter affidavit has been filed by the Government of National Capital Territory of Delhi whereby the State Government has accepted the fault and also stated that the concerned doctors have been suspended. Certain suggestions have been given to ensure that this kind of occurrence shall not occur in future.

3. Be it placed on record, an affidavit has been filed by the Union of India wherein certain suggestions have also been given. Let Mr. A.S. Chandhok, learned Additional Solicitor General file a memo of comprehensive suggestions so that the same can be dealt with by us. Mr. N. Waziri, learned Standing Counsel for the State shall also file a memorandum of comprehensive suggestions. The suggestions as directed shall be filed within four weeks.

4. Mr. N. Waziri, learned Standing Counsel for the State has submitted that the State Government is contemplating to grant ex-gratia payment and compensation to the legal representatives of the deceased, viz., late Rambhor.

5. Pending filing of the suggestions, we are inclined to proceed to deal with the grant of compensation to the legal representatives of the deceased, subject to final decision of the State Government and any adjudicatory process. The deceased was a vegetable vendor and he was 40 years old as per the status report of the Government of NCT of Delhi. He met an untimely death and he was sustaining a family. Regard being had to the same and the State Government as has been stated hereinbefore has admitted the fault of the doctors, the vicarious liability of the State is writ large.

6. In view of the aforesaid, we are inclined to direct the State Government to pay a sum of Rs.3,00,000/- as an interim compensation to the legal representatives of the deceased on proper identification within four weeks from the date of receipt of copy of the order passed today. Matter be listed for further hearing on 23rd March, 2011. Copy of the order shall be given dasti to the learned counsel for the parties under signature of the Court Master.

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