

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

WRIT PETITION (CIVIL)..... Diary No(s).10852/2020

DR. ARUSHI JAIN

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(COVID-19 MATTERS MR. K.V. VISHWANATHAN, SR. ADV.
IA No.48591/2020 - APPROPRIATE ORDERS/DIRECTIONS
IA No.53815/2020 - INTERVENTION/IMPLEADMENT
IA No.50636/2020 - STAY APPLICATION)

Date : 17-06-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. K.V. Viswanathan, Sr. Adv.
Mr. Mithu Jain, AOR
Mr. Arjun Syal, Adv.
Mr. Mohit Paul, Adv.
Mr. Arnav Vidyarthi, Adv.
Mr. R. Venkatraman, Adv.

For Respondent(s)

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Kanu Agrawal, Adv.
Mr. Rajat Nair, Adv.
Mr. Gurmeet Singh Makker, AOR
Mr. B.V. Balram Das, AORUPON hearing the counsel the Court made the following
O R D E RHeard Shri K.V. Viswanathan, learned senior counsel for the
petitioner and Shri Tushar Mehta, learned Solicitor General.An affidavit has been filed on behalf of the Ministry of Home
& Family Welfare in pursuance of our earlier order passed by this
Court. Shri Viswanathan has made two submissions. Firstly, he

submits that doctors and health workers are not receiving their salaries regularly, hence, a direction is necessary to the State Governments, Central Government and all other concerned authorities to ensure that salaries and emoluments of the doctors and health workers are timely paid, who are front-line warriors. He further submits that with regard to quarantine, there are no details of appropriate accommodations. He further submits that doctors or health workers, who are directly looking to the patients in COVID ward are not given the facility of quarantine as per guidelines dated 15.05.2020 unless they are covered by high risk exposure. He submits that a doctor, even with PP Kit, who deals with the COVID patients and devotes time with the COVID patients, has to be given quarantine to protect himself and his family.

Shri Tushar Mehta, learned Solicitor General submits that in so far as the payment of salary to the health workers and doctors are concerned, appropriate orders shall be issued by the Central Government in exercise of power under the Disaster Management Act, 2005 which may be communicated to all the State Governments and Union Territories for compliance. He submits that the said order shall be issued by tomorrow itself. He further submits that with regard to doctors and health workers, who are directly looking after the COVID patients and are in touch with the COVID patients, are not denied the quarantine. He, however, submits that looking to the requirement of doctors and health workers to manage the hospital, quarantine period should be initially for one week only and thereafter taking the profile of the health worker a decision to be taken for further period of one week. For this also, an

appropriate order shall be issued by the Ministry of Health and Family Welfare, Directorate General of Health Services by tomorrow.

We are not inclined to accept the submission of Shri Viswanathan, learned senior counsel that directions be issued to the State Governments to give details of their accommodations which are being used for quarantine since Mr. Mehta submits that appropriate steps have been taken for requisitioning necessary accommodations for that purpose. The Central Government shall issue appropriate direction to the Chief Secretary of the States/Union Territories to ensure that the orders are faithfully complied with, violation of which may be treated as an offence under the Disaster Management Act read with the Indian Penal Code.

In view of the aforesaid, let appropriate orders be issued by the Ministry of Health & Family Welfare, as indicated by Shri Tushar Mehta, learned Solicitor General by tomorrow.

List the matter after four weeks.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER