

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-PIL-233-2025 (O&M)

Date of decision : 13.05.2026

People Welfare Society (Regd.)

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Kanwar Pahul Singh, Advocate,
for the petitioner.

Mr. Salil Sabhlok, Senior DAG, Punjab.

Mr. Sarthak Gupta, Advocate,
for respondent No.8.

SHEEL NAGU, CHIEF JUSTICE (Oral)

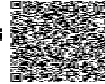
CM-286-CWPIL-2026

Compliance affidavit/para-wise reply to the replication filed by the Director, Punjab Health Systems Corporation (PHSC) dated 11.05.2026 on behalf of respondent No.8 is taken on record.

Accordingly, **CM-286-CWPIL-2026** is allowed.

CWP-PIL-233-2025

1. This petition has been filed as PIL raising alleged public cause that 'Oxygen Plant' at Civil Hospitals, Phagwara and Hoshiarpur, which were installed during COVID-19, ought to be rejuvenated and should be put to use, since the Government has spent lacs of rupees in installing the same.



2. This Court, while taking cognizance of this matter on 02.09.2025, had restricted the field of adjudication to the prayers contained in clauses (ii) and (iii) of the prayer clause, which are to the following effect :

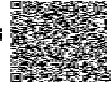
“ii. ‘WRIT’ in the nature of ‘Mandamus’ or ‘Order(s)’ or ‘Direction(s)’ directing respondents to take immediate and steadfast steps/necessary or requisite measures, to ensure functioning of ‘Oxygen Plant’ installed at Civil Hospital, Phagwara, which is lying dead since three years, at the earliest and without fail.

iii ‘Writ’ in the nature of ‘Mandamus’ or ‘Order(s)’ or ‘Direction(s)’ directing respondents to take immediate and steadfast steps/necessary or requisite measures, to ensure functioning of ‘Two Oxygen Plants’ installed at ‘Civil Hospital, Hoshiarpur’, which is lying dead since one and a half years, at the earliest and without fail.”

3. We have heard learned counsel for the rival parties and perused the pleadings.

4. Respondent No.8 in the para-wise reply dated 11.05.2026 has come out with a plea that there is an alternative source for supply of oxygen in the hospitals available in the form of different sizes of Oxygen Cylinders as per Indian Public Health Standards (IPHS) norms, which are sourced from authorized licensed private entities/companies through transparent, regulated and government-funded procedures at controlled rates.

5. Learned counsel for the petitioner has not been able to point out any statutory provision, which can enable us to issue a writ of mandamus, which requires the Government in mandatory terms to maintain Pressure Swing Adsorption (PSA) Plants.



5.1 In the absence of any statutory or constitutional provision, this Court cannot issue writ of mandamus.

6. However, since the petitioner has also mentioned certain instances, where deaths of four patients (one at Phagwara Hospital and three at Jalandhar Hospital) took place due to lack of oxygen, the petitioner is directed to submit a fresh representation to the Director, Punjab Health Systems Corporation, Mohali; and the Secretary, Department of Health and Family Welfare, Punjab, to emphasis the necessity of rejuvenating and operating the PSA Plants.

7. If the said representation is made within a period of fifteen (15) days, same would be considered and decided by passing a speaking order and communicating the same to the petitioner within a period of 15 days thereafter. We clarify that the Director is at liberty to decide either way.

8. Accordingly, petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

May 13, 2026
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No