

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 76 OF 2007

INDIAN ASS. OF PALLIATIVE CARE & ORS. Petitioner(s)
VERSUS
UNION OF INDIA & ORS. Respondent(s)
(With appln(s) for permission to file rejoinder affidavit and
office report)
(FOR FINAL DISPOSAL)

Date: 21/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. A.K. Chitale, Sr. Adv.
Mr. Niraj Sharma, Adv.
Mr. Sumit Kumar Sharma, Adv.

For Respondent(s) Mr. Sidharth Luthra, ASG
Ms. Sushma Suri, Adv.
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Ms. Gargi Khanna, Adv.
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Mr. Mohan Jain, ASG
Ms. Priyanaka Mathur Sardana, Adv.
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Mr. A.K. Sharma, Adv.

Mr. T.S. Doabia, Sr. Adv.
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Mr. S.S. Rawat, Adv.
Mr. Manpreet Singh Doabia, Adv.
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Mr. Manjit Singh, AAG
Ms. Vivekta Singh, Adv.
Mr. Tarjit Singh, Adv.
Mr. Kamal Mohan Gupta, Adv.

Mr. Anil Grover, AAG
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Ms. K. Enatoli Sema, Adv.
Mr. Amit Kr. Singh, Adv.

Mr. B. Balaji, Adv.
Mr. R. Rakesh Sharma, Adv.

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Ms. Deepkika Ghatowar, Adv. for
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Mr. Vikas Upadhyay, Adv.
Mr. B.S. Banthia, Adv.

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Mr. Rupesh Gupta, Adv.
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Mr. Gautam Dhamija, Adv.
Mr. P.V. Yogeswaran, Adv.

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Mr. V.N. Raghupathy, Adv.

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Mr. Abhinav Mukerji, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. D. Mahesh Babu, Adv.
Mr. Mayur R. Shah, Adv.
Ms. Savita Devi, Adv.
Ms. Suchitra Hrang Khawl, Adv.
Mr. Amit K. Nain, Adv.
Mr. M. Balasudu, Adv.

Mr. T. Mahipal, Adv.

Ms. Asha G. Nair, Adv.
Ms. Anita Bafna, Adv.

Mr. Amit Kumar, Adv.
Mr. Ashish Kumar, Adv.
Mr. Atul Kumar, Adv.
Mr. Avijit Mani Tripathi, Adv.

Mr. Mukesh Verma, Adv.
Mr. Jatinder Kr. Bhatia, Adv.

Mr. R. Nedumaran, Adv.

Mr. Khawairakpam Nobin Singh, Adv.
Mr. Sapan Biswajit Meittoi, Adv.

Ms. Hemantika Wahi, Adv.
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Mr. Manish Kumar, Adv.
Mr. Chandan Kumar, Adv.

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Mr. Ritu Raj Biswas, Adv.

Mr. Anil Shrivastav, Adv.
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Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

Mr. Sunil Fernandes, Adv.
Ms. Vernika Tomar, Adv.
Ms. Astha Sharma, Adv.
Mr. Shashank Kr. Lal, Adv.

Mr. Jagjit Singh Chhabra, Adv.

Mr. Abhijit Sen Gupta, Adv.
Mr. Raja Chatterjee, Adv.
Mr. Faisal, Adv.

Mr. Anil Kr. Jha, Adv.
Ms. Chhaya Kumari, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

UPON hearing counsel the Court made the following

O R D E R

Despite this Court's order dated 24th August, 2012, no affidavit or response has been filed on behalf of the State of West Bengal, nor the Chief Secretary of the State is present.

Learned counsel appearing for the State of West Bengal submits that his name was not shown in the cause list on 24th August, 2012 and as such, he could not appear and inform the concerned authorities to give him instructions.

We hardly see any merit in his submission, because this case is pending since 2007 and the counsel was expected to follow the case, despite the fact that his name was shown or not.

However, at the request of the learned counsel for the State of West Bengal and in the interest of justice, we grant final opportunity to the State to file affidavit in response within one week from today. We make it clear that if the needful is not done now, the Chief Secretary of the State of West Bengal shall personally be present in the Court without fail.

We also make it clear that in case of disobedience to the order of this Court, we shall be compelled to pass orders in accordance with law without any further indulgence.

Learned counsel appearing for the Union of India submits that they have already constituted a Committee to examine all aspects of the various issues arisen in the present petition.

We have perused the affidavit and the annexures filed thereto. However, we are not satisfied with the constitution of Committee and the time given to it. This is a human problem which needs attention of the concerned on top priority. We also feel that the Medical Council of India, Nursing Council of India and some Doctors on zonal basis should be added to this Committee under the control of the Ministry of Health and Family Welfare.

To examine all these aspects and to await the stand of West Bengal, let the matter be listed on 5th October, 2012 before the same Bench.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (SHARDA KAPOOR)
| | COURT MASTER

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