

ITEM NO.37

COURT NO.9

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Crl.) Nos. 5662-5663/2024

(Arising out of impugned final judgment and order dated 31-01-2024 in WPCRL No. 2252/2021 23-02-2024 in WPCRL No. 2252/2021 passed by the High Court of Delhi at New Delhi)

SECRETARY (HEALTH) GOVT. OF NCT OF DELHI

Petitioner(s)

VERSUS

REENA DEVI & ORS.

Respondent(s)

(FOR ADMISSION and IA No.95975/2024-EXEMPTION FROM FILING O.T.)

Date : 29-04-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Mukesh Kumar Maroria, AOR
Mr. Abhishek Singh, Adv.
Mr. Himanshu Satija, Adv.
Mr. Kamal Kishore, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Assailing the directions passed by the High Court *vide* interim order dated 31.01.2024 in Writ Petition (Crl.) No. 2252/2021, the petitioner is before us. The respondent in the SLP had filed habeas corpus petition for issuance of direction to Delhi Police to trace his husband who was missing since

12.04.2021 and sought compensation of Rs.50 Lakhs. The interim order passed by Court is reproduced as thus:

“17. During the course of previous hearings, we had asked the respondent to take up the issue with Health and Family Welfare Department, GNCTD and to apprise whether there was any policy or scheme for providing compensation to the persons who were infected with Covid-19 but went missing during Covid-19 times. It was informed by the concerned Special Secretary that there was no such scheme. Admittedly, there is a provision for compensation in terms of Mukhyamantri Covid-19 Pariwar Arthik Sahayata Yojna Scheme but it does not take into consideration the instance like the present one. We are told that the petitioner is an illiterate lady who is suffering from cancer and has one son aged 14 years.

18. It is true that it would be premature to presume that said unknown person is dead but keeping in mind the extraordinary facts placed before us and the fact that the said unknown person, who seems husband of the petitioner, has gone missing from Government hospital, it will be in the fitness of things if State takes immediate steps to provide her with a suitable employment while giving requisite relaxation with respect to her age and educational qualifications.

19. The Chief Secretary, GNCTD is, accordingly, directed to pass appropriate orders in this regard within one week from today and the compliance report be filed by the next date of hearing. We expect that once she gets an employment, she would be automatically covered under the prevalent health scheme meant for govt. employees. Be that as it may, the State would also ensure that she gets free treatment from Delhi State Cancer Institute, which is a super speciality hospital of Delhi Government.”

We have heard Ld. Additional Solicitor General, however,

considering the totality of the facts, circumstances and exigencies of this case we grant liberty to the petitioner to file an application before the High Court for recalling the directions for grant of employment to the respondent is concerned. Upon filing such an application, the High Court shall decide the same uninfluenced by any view ascribed in this order. Till then, the directions with respect to employment shall not be given effect to.

The special leave petitions stand disposed with the aforesaid observations. Pending application stands disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER