

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 759 OF 2020

IN THE MATTER OF:-

Dr.Arushi Jain

.....Petitioner

Versus

Union of India and Another

.....Respondents

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1, UNION OF
INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE**

PAPER BOOK

(For index kindly see inside)

ADVOCATE FOR RESPONDENT : GURMEET SINGH MAKKER

RECORD OF PROCEEDINGS

[illegible]

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Filed by

Gurmeet Singh Makker
Advocate for Respondent.
Code No.

Dated: 07.08.2020.
Place: New Delhi.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO.759 OF 2020

IN THE MATTER OF:-

Dr.Arushi Jain

.....

Petitioner

Versus

Union of India and Another

.....

Respondent

AFFIDAVIT DATED 07.08.2020 ON BEHALF OF
RESPONDENT NO. 1 - UNION OF INDIA

I, S. Nayak, S/o late Shri Natabar Nayak, aged about 58 years, at present working as a Deputy Secretary in the Ministry of Health and Family Welfare, New Delhi Government of India, being well conversant with the facts and circumstances of the case do hereby solemnly state as under.

1. That I am the authorised officer of the Union of India in the abovementioned matter and I am well acquainted with the facts and circumstances of this case. I have been duly authorised to swear and affirm the present affidavit.

2. I respectfully state and submit that this Hon'ble court vide order dated 31.07.2020 was pleased to pass the following order:-

Learned Solicitor General submits that an order has been passed on 18.06.2020 by the Ministry of Health and Family Welfare directing for payment of salaries of doctors and health workers during the period of COVID-19 on time. He submits that five States i.e. Delhi, Maharashtra, Punjab, Tripura and Karnataka have not paid the salaries to the doctors and health workers on time to the full satisfaction. He submits that appropriate steps in this regard shall be taken by the Central Government to ensure that salaries of doctors and health workers is released. He prays for and is granted a week's time.

One of the difficulties, which has been pointed out by counsel for the petitioners is that those doctors and health workers, who are quarantined, their period of quarantine is treated as on leave.

Mr. Tushar Mehta, learned Solicitor General, fairly submits that the said period cannot be treated as leave and he will obtain necessary instructions/clarifications in that regard.

List the matters on 10.08.2020."

A copy of the order dated 31.07.2020 passed by this Hon'ble court in the captioned matter is annexed hereto and marked as **Annexure A.**

3. I respectfully state and submit that the present affidavit is filed in respectful compliance of the aforesaid order passed by this Hon'ble court. I

respectfully state and submit that vide the aforesaid order this Hon'ble court had identified the following two issues:-

- (i) Release of salaries of the doctors and health workers; and
- (ii) Treatment of the period of quarantine of such workers as "on duty" and not "on leave".

4. With regard to the aforesaid I most respectfully state and submit that the answering respondent had issued an order dated 18.06.2020 in compliance of this Hon'ble Courts directions dated 17.06.2020 rendered in the abovesaid petition and thereafter, vide letters dated 20.07.2020 and reminders dated 25/27th July, 2020 had asked the Government of National Capital Territory of Delhi, Government of Maharashtra, Government of Punjab, Government of Tripura and Government of Karnataka to ensure the compliance of the order alongwith to report on the specific incidents of non-payment/late payment of salaries/remuneration/stipends /incentives/other admissible dues to the doctors and healthcare worker in their respective States. These cumulative fact were brought on record by the answering respondent vide affidavit dated 30.07.2020 filed in this petition.

5. It is submitted that in addition to the above the answering respondent vide DO dated 29.07.2020 requested all Chief Secretaries and the Administrators of the UTs to personally look into issue of instances of non-payment of salaries to the doctors and healthcare worker doing COVID-19 duties on priority basis and facilitate regular & timely release of same to them. A copy of the said DO dated 29.07.2020 is annexed hereto and marked as **Annexure B.**

6. It is submitted that as even after sending the reminder dated 25th/27th July, 2020 addressed to the aforementioned States, no report with respect to the compliance was received in this behalf. Therefore, the respondent was constrained to issue another set of DO letters dated 01st August, 2020 requesting for ensuring urgent action taken and compliance report in respect of payment of salaries to doctors and healthcare workers. The details of the DO letters all dated 01st August, 2020 are as under:-

- (i) Issued to Principal Secretary (Health and Family Welfare), Government of National Capital Territory of Delhi, a copy of which is annexed hereto and marked as **Annexure C.**

- (ii) issued to Principal Secretary, Department of Health & Family Welfare, Government of Maharashtra, a copy of the which is annexed hereto and marked as **Annexure D.**
- (iii) issued to the Principal Secretary (Health and Family Welfare), Department of Health and Family Welfare, Government of Punjab, a copy of the which is annexed hereto and marked as **Annexure E.**
- (iv) issued to Additional Chief Secretary (Health and Family Welfare), Department of Health and Family Welfare, Government of Tripura, a copy of the which is annexed hereto and marked as **Annexure F.**
- (v) issued to the Principal Secretary (Health and Family Welfare), Department of Health and Family Welfare , Government of Karnataka, a copy of the which is annexed hereto and marked as **Annexure G.**

7. It is submitted that in response to the aforesaid DO letter issued by the answering respondent, the Government of National Capital Territory of Delhi vide letter dated 05.08.2020 informed that the they have timely paid

salaries to its doctors/health workers and the doctors in Narela Polyclinic are employees of the North DMC and the Government of National Capital Territory of Delhi does not pay salaries to the employees of the North DMC. It was also informed that the Department of Health and Family Welfare, Government of National Capital Territory of Delhi has already released Rs. 2766.25 Lakhs as 1st instalment of Grant-in-Aid and given permission to utilize unspent balance of Rs. 13630.95 Lakh of the financial year 2019-20 to North Delhi Municipal Corporation during 2020-21. A copy of the said letter dated 05.08.2020 is annexed hereto and marked as **Annexure H**.

8. It is submitted that the Municipal Corporation of Greater Mumbai ('MCGM') vide letter dated 06.08.2020 had informed that the salaries of the Health care workers and doctors have been paid for the month of June, 2020 and July, 2020 by the MCGM. It was also informed that the doctors and nurses who joined under Mission Mumbai from the State of Kerala on contractual basis for two months have been paid for the month of June and July, 2020. It was also informed that if there are some exceptional cases wherein the doctors / Health Workers have not received salaries, the same will be dealt by them on priority basis. A copy of the said letter dated 06.08.2020 is annexed hereto and marked as **Annexure I**.

9. It is submitted that the Department of Medical Education and Research, Government of Punjab vide DO dated 06.08.2020 has informed that the salaries of 37 members of faculty and health care workers were released immediately after receiving the approval of the Finance Department with assurance that all the doctors and health workers are getting salaries regularly in the Department of Medical Education and Research, Government of Punjab. Further, the Department of Health and Family Welfare, Government of Punjab vide DO letter dated 06.08.2020 informed that salaries of all employees for the period 01.06.2020 to 30.06.2020 have since been paid and as regards the period 01.07.2020 to 31.07.2020 Salary bills have been submitted to State Treasury, in time. A copy of the both DO dated 06.08.2020 is annexed hereto, marked and placed collectively at **Annexure J and K.**

10. It is submitted that Directorate of Medical Education, Government of Tripura vide letter dated 03.08.2020 informed that the issue of non-payment of Stipend to the Interns in the State Government Hospitals were resolved and their Stipends were released. It was also mentioned that there has been no inordinate delay in the payment of the salaries to the Interns. A copy of

the said letter dated 03.08.2020 along with annexure is annexed hereto and marked as **Annexure L.**

11. It is submitted that Department of Health and Family Welfare, Government of Karnataka vide letter dated 05.08.2020 informed that a report was sought from the JMM College, Davangere, and Kasturba Medical College, Mangalore, Karnataka regarding releasing the unpaid stipend to the Interns and Junior Doctors working in the college. It was informed in the report that the Government of Karnataka has agreed for payment of stipend for the period of April 2019 to June 2020 as a onetime measure, subject to the condition that the College gives an undertaking that it would make payment of stipend from July 2020 onwards. A copy of the said letter dated 05.08.2020 along with annexure is annexed hereto and marked as **Annexure M.**

12. It is submitted that in so far as the second issue is concerned, the answering respondent vide DO dated 03.08.2020 sought response from the Department of Personal and Training, Ministry of Personnel, Public Grievance and Pensions regarding the treatment of the quarantine period of

doctors and health care workers as 'on duty' and not as 'on leave' with request to issue advisory to that effect. A copy of the abovesaid DO letter dated 03.08.2020 is annexed hereto and marked as **Annexure N.**

13. It is submitted that the Department of Personal and Training, Ministry of Personnel, Public Grievance and Pensions vide Office Memorandum dated 05.08.2020 agreed to the proposal of the answering respondent for treating the quarantine period for the doctors and healthcare workers exposed to COVID-19 as 'on duty' on account of occupational hazard of risk of exposure. A copy of the Office Memorandum dated 05.08.2020 is annexed hereto and marked as **Annexure O.**

14. That on the basis of the order dated 31.07.2020 of this Hon'ble Court in this petition and after obtaining concurrence of Department of Personnel and Training, Government of India for treating quarantine period of doctors and health workers as 'on duty' and not on leave, a directive as per a D.O. dated 07.08.2020 has been issued to all States/UTs, AIIMSs and Central Government Hospitals to treat the quarantine period of doctors and health workers as 'on duty' only. A copy of the D.O. letter dated 07.08.2020 is annexed hereto and marked as **Annexure P.**

15. In light of the above, it is most respectfully submitted that this Hon'ble Court may please take above factual submissions on record and pass appropriate order/s as deemed fit, necessary and proper, in the interest of Justice.

DEPONENT

VERIFICATION:

Verified at New Delhi on this the 08th day of July, 2020. I, the above-named deponent do hereby verify that the contents of the above affidavit are true and correct, no part of it is false and nothing material has been concealed therefrom.

DEPONENT

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).759/2020

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. 61023/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 69763/2020 - EXEMPTION FROM FILING O.T.
IA No. 61020/2020 - INTERVENTION/IMPLEADMENT
IA No. 53815/2020 - INTERVENTION/IMPLEADMENT
IA No. 63414/2020 - INTERVENTION/IMPLEADMENT
IA No. 69758/2020 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS
IA No. 50636/2020 - STAY APPLICATION)

WITH

WRIT PETITION (CIVIL).....Diary No(s).10830/2020

Date : 31-07-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

Counsel for the parties:

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

Mr. Tushar Mehta, SG
Mr. K.M. Nataraj, ASG
Mr. Rajt Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. B.V. Balram Das, AOR
Mr. Gurmeet Singh Makker, AOR

Mr. Gaurav Bhatia, Sr. Adv.
Mr. Beno Bencigar, Adv.

Ms. Subhi, Adv.

12
Mr. Parijat Kishore, AOR

Mr. Tapesh Kumar Singh, Adv.

Mr. Aditya Pratap Singh, Adv.

Mr. Amit Sahni, petitioner-in-person

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

Learned Solicitor General submits that an order has been passed on 18.06.2020 by the Ministry of Health and Family Welfare directing for payment of salaries of doctors and health workers during the period of COVID-19 on time. He submits that five States i.e. Delhi, Maharashtra, Punjab, Tripura and Karnataka have not paid the salaries to the doctors and health workers on time to the full satisfaction. He submits that appropriate steps in this regard shall be taken by the Central Government to ensure that salaries of doctors and health workers is released. He prays for and is granted a week's time.

One of the difficulties, which has been pointed out by counsel for the petitioners is that those doctors and health workers, who are quarantined, their period of quarantine is treated as on leave.

Mr. Tushar Mehta, learned Solicitor General, fairly submits that the said period cannot be treated as leave and he will obtain necessary instructions/clarifications in that regard.

List the matters on 10.08.2020.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER



ANNEXURE-B

13

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

Government of India
Ministry of Health & Family Welfare
Nirman Bhavan, New Delhi - 110011

Rajesh Bhushan, IAS
Officer-on-Special Duty
Tel # 2306-3206 / 2306-3230
Email: osdh-mohfw@gov.in

D.O. No. COVID-19/60/2020-ME/PH
29th July, 2020

Dear Colleague,

Please refer to order of even No. dated 18.06.2020 under the Disaster Management Act, 2005, which was issued in pursuance of Order dated 17.06.2020 of Hon'ble Supreme Court, directing all the States and Union Territory Administrators, to ensure timely payment of salaries to Doctors and Health Care Workers doing COVID-19 related duties.

2. However, it has been brought to our notice that there are instances of Doctors / Health Care Workers in different States agitating for non-payment of salaries despite the Order referred to above.

3. I would, therefore, request all Chief Secretaries and the Administrators of the UTs to look into this serious issue personally and on a priority basis. Such focused attention at your level would definitely facilitate regular & timely release of salaries/incentives to the Doctors and all Health Care Workers, who are fighting the COVID pandemic.

4. I once again request your kind attention to this matter.

Regards.

Yours sincerely,

(Rajesh Bhushan)

Chief Secretaries/Administrators of all State/UTs
Directors of All AIIMS
Directors / MS of all Central Government Hospitals



LAV AGARWAL, IAS
Joint Secretary

Tel. : 011-23061195
T/Fax : 011-23061842
E-mail : alav@ias.nic.in



ANEXURE C (14)

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

D.O. No. COVID-19/60/2020-ME/PH
Dated the: 1st August. 2020

Dear Sir,

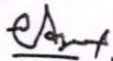
Please refer to this Ministry's letter of even number dt. 20.07.2020 and my subsequent D.O. letter of even number dt. 25/27.07.2020 (copies enclosed) vide which a report was sought on non-payment of salaries/remunerations to doctors working under North Delhi Municipal Corporation urgently, which is yet to be received. The Hon'ble Supreme Court has heard the matter on 31.07.2020, and has directed, inter alia, to ensure release of salaries to doctors and health workers. A copy of the order is enclosed. The next hearing in the matter is on 10.08.2020.

Keeping in view the fact that an affidavit reporting compliance is to be filed by UoI before the next date of hearing, I would request you to ensure that salaries of doctors and health workers are released urgently and share the compliance report with us by return of post.

With regards,

Encl:- As above

Yours sincerely,


(Lav Agarwal)

Shri Vikram Dev Dutt

Principal Secretary (Health & Family Welfare),
Govt. of National Capital Territory of Delhi,
9th Level, A-Wing, IP Extension,
Delhi Secretariat, Delhi - 110002.



LAV AGARWAL, IAS
Joint Secretary

Tel. : 011-23061195
T/Fax : 011-23061842
E-mail : alav@ias.nic.in



ANNEXURE-D - (15)
भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

D.O. No. COVID-19/60/2020-ME/PH

Dated the: 1st August. 2020

Dear Sir,

Please refer to this Ministry's letter of even number dt. 20.07.2020 and my subsequent D.O. letter of even number dt. 25/27.07.2020 (copies enclosed) vide which a report was sought urgently on non-payment of salaries to a team of 40 doctors and 35 nurses came from Kerala to Mumbai in order to set up a COVID Hospital and also incentives not being paid to doctors on COVID duty, who are in quarantine, which is yet to be received. The Hon'ble Supreme Court has heard the matter on 31.07.2020, and has directed, inter alia, to ensure release of salaries to doctors and health workers. A copy of the order is enclosed. The next hearing in the matter is on 10.08.2020.

Keeping in view the fact that an affidavit reporting compliance is to be filed by UoI before the next date of hearing, I would request you to ensure that salaries of doctors and health workers are released urgently and share the compliance report with us by return of post.

With regards,

Encl:- As above

Yours sincerely,

Lav Agarwal

(Lav Agarwal)

Dr. Pradeep Kumar Vyas
Principal Secretary,
Department of Health & Family Welfare,
Government of Maharashtra,
10th Floor, B Wing GT Hospital Complex Building,
Mumbai - 400001, Maharashtra.



ANNEXURE - E (16)

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

LAV AGARWAL, IAS
Joint Secretary

Tel. : 011-23061195
T/Fax : 011-23061842
E-mail : alav@ias.nic.in

D.O. No. COVID-19/60/2020-ME/PH

Dated the: 1st August. 2020

Dear Sir,

Please refer to this Ministry's letter of even number dt. 20.07.2020 and my subsequent D.O. letter of even number dt. 25/27.07.2020 (copies enclosed) vide which a report was sought urgently on non-payment of salaries to GMCH Amritsar Radiologists since April, which is yet to be received. The Hon'ble Supreme Court has heard the matter on 31.07.2020, and has directed, inter alia, to ensure release of salaries to doctors and health workers. A copy of the order is enclosed. The next hearing in the matter is on 10.08.2020.

Keeping in view the fact that an affidavit reporting compliance is to be filed by UoI before the next date of hearing, I would request you to ensure that salaries of doctors and health workers are released urgently and share the compliance report with us by return of post.

With regards,

Encl:- As above

Yours sincerely,

(Lav Agarwal)

Shri Anurag Agarwal,
Principal Secretary (H&FW),
Department of Health & Family Welfare,
Government of Punjab,
R. No. 219, 2nd Floor,
Mini Secretariat Punjab,
Sector 9, Chandigarh, -160009.



LAV AGARWAL, IAS
Joint Secretary

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ANNEXURE-F (17)

भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

D.O. No. COVID-19/60/2020-ME/PH

Dated the: 1st August. 2020

Dear Sir,

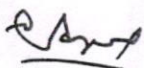
Please refer to this Ministry's letter of even number dt. 20.07.2020 and my subsequent D.O. letter of even number dt. 25/27.07.2020 (copies enclosed) vide which a report was sought urgently on non-payment of stipends to around 100 doctor interns of Agartala Government Medical College, which is yet to be received. The Hon'ble Supreme Court has heard the matter on 31.07.2020, and has directed, inter alia, to ensure release of salaries to doctors and health workers. A copy of the order is enclosed. The next hearing in the matter is on 10.08.2020.

Keeping in view the fact that an affidavit reporting compliance is to be filed by UoI before the next date of hearing, I would request you to ensure that salaries of doctors and health workers are released urgently and share the compliance report with us by return of post.

With regards,

Encl:- As above

Yours sincerely,


(Lav Agarwal)

Shri S. K. Rakesh

Additional Chief Secretary(Health & FW),
Department of Health & Family Welfare,
Government of Tripura,
New Secretariat Complex, P.O- Secretariat,
Agartala- 799010, West (Tripura).



ANNEXURE-6

18

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE
NIRMAN BHAVAN, NEW DELHI - 110011

LAV AGARWAL, IAS
Joint Secretary

Tel. : 011-23061195
T/Fax : 011-23061842
E-mail : laav@ias.nic.in

D.O. No. COVID-19/60/2020-ME/PH

Dated the: 1st August. 2020

Dear Sir,

Please refer to this Ministry's letter of even number dt. 20.07.2020 and my subsequent D.O. letter of even number dt. 27/28.07.2020 (copies enclosed) vide which a report was sought urgently on non-payment of stipends to Junior Doctors, JJM Medical College, which is yet to be received. The Hon'ble Supreme Court has heard the matter on 31.07.2020, and has directed, inter alia, to ensure release of salaries to doctors and health workers. A copy of the order is enclosed. The next hearing in the matter is on 10.08.2020.

Keeping in view the fact that an affidavit reporting compliance is to be filed by UoI before the next date of hearing, I would request you to ensure that salaries of doctors and health workers are released urgently and share the compliance report with us by return of post.

With regards,

Encl:- As above

Yours sincerely,

(Lav Agarwal)

Shri Jawaid Akhtar
Principal Secretary (H&FW),
Department of health & Family Welfare,
Government of Karnataka,
Room No. 104, 1st Floor, Vikas Souda,
Bangalore-560001, Karnataka.

ANNEXURE - H (19)

GOVT. OF NCT OF DELHI
DEPARTMENT OF HEALTH & FAMILY WELFARE
9TH LEVEL, "A" WING, DELHI SECRETARIAT, NEW DELHI-110002

F.No. F.69/LC/2020/PF-VI/ 2837 - 2838

Dated:- 05/08/2020

To
✓ Sh. Lav Agarwal, IAS
Joint Secretary
Government of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi 110011

Subject: Non-Payment of salaries to Doctors/health workers in violation of Secretary (HFW)'s D.O. letter No. COVID-19/60/2020-ME (Pt.I) dated 18.06.2020, issued in pursuance of order dated 17.06.2020 of Hon'ble Supreme Court-reg.

Sir,

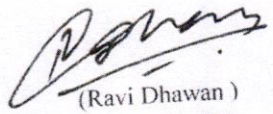
With reference to your D.O. letter dated 01.08.2020, I am directed to inform that Government of NCT of Delhi has paid timely salaries to its doctors/health workers. It is also informed that Doctors in Narela Polyclinic are employees of the North DMC and GNCT of Delhi does not pay salaries to the employees of North DMC.

Further, it is also informed that Department of Health and Family Welfare, GNCT of Delhi has already released Rs. 2766.25 Lakhs as 1st instalment of Grant-in-Aid and given permission to utilise unspent balance of Rs. 13630.95 Lakh of the financial year 2019-20 to North Delhi Municipal Corporation during 2020-21 (Copy of Status Report and Sanctioned order enclosed)

Further, an e-mail dated 30.07.2020 (Copy enclosed) was also sent to North DMC for submitting their proposal along with required documents for onward submission to Planning and Finance Department for release of 2nd instalment. No proposal has been received yet. However, proposal for released of 2nd instalment has been processed by the Department.

This is for kind information and further necessary action

Yours Faithfully


(Ravi Dhawan)
Spl. Secretary (H&FW)

Encls: As Above.

Copy to:

1. Special Secretary, Urban Development Department, 9th and 10th Level, Delhi Secretariat with the request to provide the Status of Grant-in-Aid released to the North DMC during the FY. 2020-21 to the Ministry of Health and Family Welfare, GOI under intimation to this office.


(Ravi Dhawan)
Spl. Secretary (H&FW)

Status Report of Grant-in-Aid to NDMC

20

An amount of Rs.15000.00 Lakh has been kept by GNCTD in BE 2020-21 to NDMC under different schemes.

Proposal of NDMC was processed by this department for release of 1st installment of GIA (25% of BE 2020-21) however, Finance Department considering the fund crunch due to COVID-19 outbreak has concurred the release under General and Salary Head and not in Capital head. FD has concurred to release the GIA to NDMC amount of Rs. 2766.25 lakhs along with permission to utilise unspent balance of previous years amounting to Rs. 13630.95 lakhs.

Till the month of July, 2020 under Health Sector as per recommendation of Finance Department, we have already released 25% of total allocated budget during 2020-21 under General and Salary Head. Copy of sanction order is enclosed.

Head wise details of Budget Estimate 2020-21 and amount released as 1st installment during 2020-21 to NDMC are as follows:-

(Rs. in lakhs)

S. No.	Name of Scheme	Budget Estimate 2020-21	Amount already release as 1 st installment
A.	GIA to NDMC for Health Purposes		
	i. GIA General	3600.00	900.00
	ii. GIA for creation of capital assets	3680.00	0.00
	iii. GIA- Salaries	2220.00	555.00
	Total (A)	9500.00	1455.00
B.	GIA to NDMC for augmentation of power, water supply and sewerage treatment facilities in hospitals		
	i. GIA General	0.00	0.00
	ii. GIA for creation of capital assets	30.00	0.00
	iii. GIA- Salaries	0.00	0.00
	Total (B)	30.00	0.00
C.	GIA to NDMC for ISM Dispensaries		
	i. GIA General	190.00	47.50
	ii. GIA for creation of capital assets	165.00	0.00
	iii. GIA- Salaries	115.00	28.75
	Total (C)	470.00	76.25
D.	GIA to NDMC for Malaria & Dengue Control Programme		
	i. GIA General	2310.00	577.50
	ii. GIA for creation of capital assets	10.00	0.00
	iii. GIA- Salaries	2610.00	652.50
	Total (D)	4930.00	1230.00
E.	GIA to NDMC for stg & upgrd of registration of Birth & Death		
	i. GIA General	6.00	1.50
	ii. GIA- Salaries	4.00	1.00
	Total (E)	10.00	2.50
F.	GIA to NDMC for other public health programme		
	i. GIA General	10.00	2.50
	ii. GIA for creation of capital assets	50.00	0.00
	iii. GIA- Salaries	0.00	0.00
	Total (F)	60.00	2.50
	Grand Total (A+B+C+D+E+F)	15000.00	2766.25

Further, an e-mail dated 30.07.2020 was also sent to NDMC for submitting their proposal along with required documents for onward submission to Planning and Finance Department for release of 2nd installment (copy enclosed). No proposal has been received yet. However, Proposal for release of 2nd installment has been processed by the Department

21 138/L

DEPARTMENT OF HEALTH & FAMILY WELFARE
GOVT. OF NCT OF DELHI
9TH LEVEL, 'A' WING, DELHI SECRETARIAT, NEW DELHI-110002
Phone: 23392435(O)

File No: 400(6)/H&FW/GIA/Plg./2020-21/CD-112602818/JS3hfw/1085-1096 Dated 7/7/2020 131/c

To,
The Director General
Directorate General of Health Services,
Govt. of NCT of Delhi,
F-17, Karkardooma, Delhi- 110032

Subject:- Release of Rs. 2766.25 Lakh as 1st installment of Grant-in-Aid and permission to utilize the unspent amount of Rs. 13630.95 lakh of the financial year 2019-20 to North Delhi Municipal Corporation (NDMC) during 2020-21.

Sir,
I am directed to convey the approval of competent authority for release of Rs. 2766.25 Lakhs as 1st installment of Grant-in-Aid and permission to utilise unspent balance of Rs. 13630.95 lakh of the financial year 2019-20 to North Delhi Municipal Corporation (NDMC) during 2020-21 under the following schemes:

(Rs. In Lakh)			
S. No.	Name of Scheme	Budget Estimate 2020-21	Amount to be release as 1 st installment of GIA
A.	GIA to NDMC for Health Purposes	3600.00	900.00
	i. GIA General	3680.00	0.00
	ii. GIA for creation of capital assets	2220.00	555.00
	iii. GIA- Salaries	9500.00	1455.00
	Total (A)		
B.	GIA to NDMC for augmentation of power, water supply and sewerage treatment facilities in hospitals	0.00	0.00
	i. GIA General	30.00	0.00
	ii. GIA for creation of capital assets	0.00	0.00
	iii. GIA- Salaries	30.00	0.00
	Total (B)		
C.	GIA to NDMC for ISM Dispensaries	190.00	47.50
	i. GIA General	165.00	0.00
	ii. GIA for creation of capital assets	115.00	28.75
	iii. GIA- Salaries	470.00	76.25
	Total (C)		
	GIA to NDMC for Malaria & Dengue Control Programme	2310.00	577.50
	i. GIA General	10.00	0.00
	ii. GIA for creation of capital assets	2610.00	652.50
	iii. GIA- Salaries	4930.00	1230.00
	Total (D)		
E.	GIA to NDMC for stg & upgrd of registration of Birth & Death	6.00	1.50
	i. GIA General	4.00	1.00
	ii. GIA- Salaries	10.00	2.50
	Total (E)		
F.	GIA to NDMC for other public health programme	10.00	2.50
	i. GIA General	50.00	0.00
	ii. GIA for creation of capital assets	0.00	0.00
	iii. GIA- Salaries	60.00	2.50
	Total (F)	15000.00	2766.25
	Grand Total (A+B+C+D+E+F)		

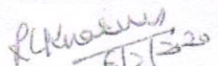
The sanction issued subject to the following conditions:

1. Due prudence and frugality shall be exercised by the grantee institution while incurring expenditure out of GIA and no wasteful expenditure whatsoever shall be incurred in any manner.
2. Expenditure out of GIA shall be incurred only on purchase of goods/ services/payment of salary of which is necessary and in public interest. Further, expenditure shall be incurred only on those projects execution of which is necessary and in public interest.
3. Expenditure will be incurred only for the purpose for which GIA has been sanctioned and for the targets, which have been assigned to the grantee institution by Administrative Department.
4. Head of Grantee Institution shall carry out periodical appraisal of the performance for ascertaining as to whether the target/ goals assigned are achieved or not and as to whether the GIA should be continued or not.

Contd.

5. The procedure as prescribed in GFR 2017 and the OM/ Circulars issued by FD/ CVC time to time is duly followed while procuring goods/ services and the norms/ procedures as laid down in CPWD Manual/ GFR, 2017 are/ is followed while executing projects/ work contracts.
6. Head of Grantee Institution may ensure that a Utilization Certificate duly signed by executive head, is submitted within the prescribed time.
7. Head of the Grantee Institution will ensure that the mechanism/ checks contemplated in above point are effectively applied for ensuring that the funds are utilized for the prescribed purpose only. In this regard, it should be ensured that the meetings of the various bodies constituted as per the Bye-Laws/ Memorandum of Association etc. such as Finance Committee/ Governing Body are held as per the required frequency to effectively oversee the utilization of grants.
8. Head of the Grantee Institution will lay down adequate control mechanism/ checks for prevention and detection of errors and financial irregularities in the working/ functioning for avoiding wasteful expenditure and loss of money.
9. The Accounts functionary shall be consulted in the matter of purchase of goods/ service and execution of projects/ schemes.
10. Head of the Grantee Institution will ensure the observance of procedure and fulfillment of conditions as laid down in Government Order No. F. 12/3/2010-AC/dsfa/dsIII/914-921 dated 18.07.2011 issued by Finance Department and also formulate the 'Pattern of Assistance' with concurrence of the Finance Department, and following conditions will be included as per O.M. dated 06.09.2011 in Pattern of Assistance:
- The directives/ orders issued by Govt. from time to time regulating expenditure out of grant-in-aid shall be binding on the grantee institutions and contravention thereof shall render the GIA liable to be withheld.
 - The grantee institution shall not do any act or undertake any activity which entails any additional financial liability for the Govt. without the approval of Administrative Department and Finance/ Planning Department like creation of posts, grant of pay scales higher than those of corresponding posts in the Govt. of NCT of Delhi, undertaking of infrastructural projects estimated cost of which is above Rs. 2.00 Crore, provision/ extension of pension to employees etc.
11. It has been observed that a large amount of unspent balance is available with NDMC which needs to be utilized in time bound manner. The targets should be monitored for utilization of funds.
12. NDMC will provide the following information while submitting the proposal for release of next installment of GIA during 2020-21: -
- GIA proforma duly filled
 - Income/expenditure as on date
 - Physical Achievements as on date
 - Audited Balance Sheet 2019-20
 - Audited Utilization Certificate 2019-20
 - Details of upto date expenditure incurred and head-wise details of unspent balance as on date
13. The Director, Directorate of Health Services, GNCT of Delhi will draw the sanction amount from the concerned PAO and disburse it to the grantee through ECS/ RTGS.
- This issues with the concurrence of Finance (Expenditure-I) Department, GNCTD vide their U.O. No. 16/DSI dated 03.07.2020.

Yours faithfully


(R.C. Kesarwani)

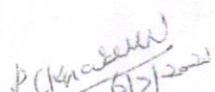
Jt. Secretary (Plg.) H&FW

Dated 7/7/2020

File No: 400(6)/H&FW/GIA/Plg./2020-21/CD-112602818/JS37fw/1085 - 1096

Copy to: -

- The Commissioner, North Delhi Municipal Corporation, Delhi.
- The Director, Planning Department, GNCTD, 6th Level, Delhi Secretariat, New Delhi
- The Deputy Secretary, Finance (Expenditure-I) Department, GNCTD.
- DCA, DGHS
- The PAO concerned through DHS, GNCTD.
- The Audit Officer, O/o AG (Audit), I.P. Estate, New Delhi.
- The DDO, Directorate of Internal Audit, 4th Level, 'C' Wing, Delhi Secretariat, GNCTD.
- Sr. System Analyst, DGHS to upload the sanction order on Departmental website
- PS to Pr. Secretary(H&FW), Delhi Secretariat, New Delhi
- PA to Spl. Secretary(Plg.), H&FW Deptt., Delhi Secretariat, New Delhi
- Guard File


Jt. Secretary (Plg.) H&FW

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R. C Kesarwani <js.hfwdelhigovt@gmail.com>

Proposal for release of 2nd Installment - regarding.

1291c

Thu, Jul 30, 2020 at 4:15 PM

R.C.Kesarwani <js.hfwdelhigovt@gmail.com>
To: DHA NDMC <dha-ndmc@mcd.gov.in>, DHA SDMC <dhasdmc@gmail.com>

Sir/Madam,

The Health & Family Welfare Department has already released first installment of Grant-in-Aid under Salary and General Head.

Now it is requested that proposal for release of 2nd installment of Grant-in-Aid may be sent to this Office for further necessary action. The other requirement like Audit Report, Utilization Certificate, Physical Achievement as on date, GIA Performa dully filled, Income/Expenditure as on date, Audited Balance Sheet 2019-20 may also be submitted alongwith proposal.

--
Regards

(R.C.Kesarwani)
Jt.secy.(H&FW)

सुरेश काकाणी

भा.प्र.से.

अतिरिक्त महापालिका आयुक्त
(पश्चिम उपनगरे)



ANNEXURE-I

(24)

अतिरिक्त आयुक्त (प.उप.) यांचे कार्यालय,
महापालिका मुख्य कार्यालय, २ रा मजला,
महापालिका मार्ग, फोर्ट, मुंबई - ४०० ००१.
दूरध्वनी कार्यालय : २२६२ ०२५१, विस्ता. ४२१२
२२६२ ०१४९

ईमेल : amc.ws@mcgm.gov.in
अ. शा. पत्र क्र. AMC/WS/7816/100/v
तारीख : 06/08/2020

Subject: Report regarding payment of salaries to a team of doctors and nurses from the state of Kerala deputed to Seven Hills DCH, Marol, Andheri, Mumbai.

Sir,

Please refer to the letters under No.COVID-19/60/2020-MF/PH dated 25th July, 2020 and 1st August, 2020 from Jt. Secretary Ministry of Health & Family Welfare addressed to Principal Secretary Dept. of Health & Welfare, GOM vide which a compliance report about realising of salaries of doctors and health workers was called for to enable UOI to file an Affidavit reporting compliance thereof before the Hon'ble Supreme Court.

On receipt of the above letter, a report was called from concerned Hospitals. The details are as under :

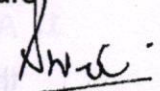
1. As per the said report due to COVID-19 Pandemic the Doctors working for the Municipal Corporation of Greater Mumbai (MCGM) are being given increased amount of Rs.10,000/- over and above their regular salary and intern Doctors have been paid an increased lumpsum amount of Rs.50,000/- against their fixed stipend of Rs.6,000/-. The Health Workers of the Municipal Corporation of Greater Mumbai and Doctors are also provided facilities wherever required and wherever possible such as accommodation, food and transport free of cost. The Health Workers and Doctors are also paid an extra allowance towards food and transport of Rs.300/- on duty days. The salaries of the Health Workers and Doctors have been paid for the month of June, 2020 and July, 2020 by MCGM. Hereto enclosed is the copy of the statement of amounts paid to the concerned Health Workers and Doctors. (Annexure-A)

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2. The Doctors and Nurses who have joined under Mission Mumbai from the State of Kerala at Seven Hills Hospital (Dedicated COVID Hospital), from 01.06.2020 for the period of two months on contractual basis have been paid their salaries for the month of June and July, 2020. The quarantine period is also considered in payment calculation of these Doctors and Nurses from Kerala. Hereto enclosed is the copy of the statement of payment released to Doctors and nurses from Kerala. **(Annexure-B)**
3. The Doctors and Nurses from Kerala have been provided with the travelling expenditures in form of cash / account reimbursement for to and fro from Kerala to Mumbai. They have been provided with free accommodation in good hotels in Mumbai and dedicated BEST Transport service for pick up and drop facility to Seven Hills Hospital.
4. If there are some exceptional cases wherein some Doctors / Health Workers have not received their salaries, the same will be dealt by MCGM on top priority basis.

With regards,

Yours,

 06.08.2020
(Suresh Kakani)

Encl.As above

Dr.Pradeep Kumar Vyas
Principal Secretary
Dept.of Health & Family Welfare,
Govt.of Maharashtra,
10th floor, B-Wing, G.T Hospital Complex Building,
Mumbai-400001, Maharashtra

Copy to : **Shri Lav Agarwal,**
Jt.Secretary, Ministry of Health & Family Welfare,
Nirman Bhavan, New Delhi

Increase in Payment of Different Cadre of Doctors during Covid - 19 of Major Hospitals

ANNEXURE - A

Sr. No.	Name of Designation	No. of Posts	Current Pay	Remarks
1	Bonded Medical Officers (Under Graduate Bond Medical Officers Only)	1	Rs. 51000/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	On duty daily allowance of Rs. 300/- with effect from 23.03.2020 to 31.07.2020 and Covid Allowance of Rs. 10000/- per month with effect from 01.05.2020 to 31.07.2020 is paid
2	Bonded Medical Officers (Post Graduate Bond Speciality Medical Officers)	239	Rs. 71697/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
3	Bonded Assistant Professors (Speciality Medical Officers)	91	Rs. 71697/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	

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Sr. No.	Name of Designation	No. of Posts	Current Pay	Remarks
Resident Officers (Superspeciality) (Speciality)				
4	Senior Resident (Post Graduates Candidates (M.D. / M.S. Passed))	2638	Rs. 54387/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	On duty daily allowance of Rs. 300/- with effect from 23.03.2020 to 31.07.2020 and Covid Allowance of Rs. 10000/- per month with effect from 01.05.2020 to 31.07.2020 is paid
	House Officer		Rs. 53826/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	1st year Junior Resident Medical Officers (JR. I)		Rs. 54551/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	2nd year Junior Resident Medical Officers (JR. II)		Rs. 55112/- + Rs. 10000/- (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	3rd year Junior Resident Medical Officers (JR. III)		Rs. 55673/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	1st year Senior Resident Medical Officers (SR. I)		Rs. 57881/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	2nd year Senior Resident Medical Officers (SR. II)		Rs. 59564/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	
	3rd year Senior Resident Medical Officers (SR. III)		Rs. 61247/- + Rs. 10000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	

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5/7

Director (M.E. & M.H.)

Shamir

Sr. No.	Name of Designation	No. of Posts	Current Pay	Remarks
5	Assistant Professors on Contract	119	Rs. 83000/- + Rs. 300/- (Daily Allowance only if present on duty) OR Rs. 80000/- + Rs. 300/- per month (Daily Allowance only if present on duty)	On duty daily allowance of Rs. 300/- with effect from 23.03.2020 to 31.07.2020
			Rs. 78373/- + Rs. 300/- (Daily Allowance only if present on duty)	
			Rs. 80000/- + Rs. 300/- (Daily Allowance only if present on duty)	
			Rs. 30000/- + Rs. 300/- (Daily Allowance only if present on duty)	
6	Externs	27	Rs. 11000/- + Rs. 39000/- per month (Covid Allowance) + Rs. 300/- (Daily Allowance only if present on duty)	On duty daily allowance of Rs. 300/- with effect from 23.03.2020 to 31.07.2020 and Covid Allowance of Rs. 39000/- per month with effect from 01.05.2020 to 31.07.2020 is paid
	Interns	502		
7	Assistant Medical Officer on Contract	16	Rs. 78208/- + Rs. 300/- (Daily Allowance only if present on duty) OR Rs. 74000/- + Rs. 300/- per month (Daily Allowance only if present on duty)	On duty daily allowance of Rs. 300/- with effect from 23.03.2020 to 31.07.2020

ANNEXURE - B

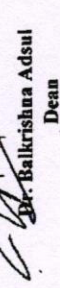
Municipal Corporation of Greater Mumbai
Seven Hills Hospital Marol
SH-MCGM-DCH/266 Dtd.03.08.2020
Subject: Effective Report Of Kerala Doctors.

Sr. No.	Name of the Doctor	Designation	Location	Date of Joining	Total Working Days	Last Working Day	End of Quarantine Period	Salary of July including Quarantine Period	Transport Reimbursement
1	ANEESH RAJ	MD	Kerala	01.06.2020	From 01.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	10,856.00
2	SAJEESH G	MD	Kerala	28.05.2020	From 01.06.2020 to 30.06.2020	30.06.2020	14.07.2020	Released to respective a/c	DETAILS NOT SUBMITTED
3	RISHIKESH UNNI M	MBBS	Kerala	03.06.2020	From 03.06.2020 To 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	12,275.00
4	NITIN J L	MBBS	Kerala	01.06.2020	From 01.06.2020 To 02.07.2020	02.07.2020	16.07.2020	Released to respective a/c	8,182.00
5	AVIN A	MBBS	Kerala	01.06.2020	From 01.06.2020 To 02.07.2020	02.07.2020	16.07.2020	Released to respective a/c	8,183.00
6	SUMESH MOHAN	MBBS	Kerala	03.06.2020	From 03.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	14,091.00
7	FAHIM FAIZ KHAN	MBBS	Kerala	09.06.2020	From 09.06.2020 to TILL DATE	Still Working	Still Working	Released to respective a/c	Resident of Maharashtra
8	MOHAMMED RIBHAN A	MBBS	Kerala	01.06.2020	From 01.06.2020 to TILL DATE	Still Working	Still Working	Released to respective a/c	7,023.00
9	CIVIL JOHN	MBBS	Kerala	01.06.2020	From 01.06.2020 To 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	10,776.00
10	VISHNU PAVITHRAN	MBBS	Kerala	01.06.2020	From 01.06.2020 to TILL DATE	Still Working	Still Working	Released to respective a/c	6,602.00
11	PETER DAVID	MBBS	Kerala	05.06.2020	From 05.06.2020 to 01.08.2020	01.08.2020	15.08.2020	Released to respective a/c	4,502.00
12	ID SAIKIRAN	MBBS	Kerala	08.06.2020	From 08.06.2020 to 08.07.2020	08.07.2020	22.07.2020	Released to respective a/c	11,545.00
13	JISHA JOSE	MBBS	Kerala	04.06.2020	From 04.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	12,275.00
14	SABARI MOHAN	MBBS	Kerala	04.06.2020	From 04.06.2020 to 03.07.2020	03.07.2020	17.07.2020	Released to respective a/c	14,612.00
15	MUHAMMED FAISAL P	MBBS	Kerala	14.06.2020	From 14.06.2020 to 14.07.2020	14.07.2020	28.07.2020	Released to respective a/c	17,746.00
16	HANAAN HAKKEEM	MBBS	Kerala	06.06.2020	From 06.06.2020 to 06.07.2020	06.07.2020	20.07.2020	Released to respective a/c	15,385.00
17	AATHIRA BALACHANDRAN	MBBS	Kerala	07.06.2020	From 07-06-2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	15,247.00
18	APARNA KRISHNA R	MBBS	Kerala	01.06.2020	From 01.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	7,925.00
19	KANNANUNNI S	MBBS	Kerala	01.06.2020	From 01.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	12,380.00
20	AKSHAY PATHUR	MBBS	Kerala	01.06.2020	From 01.06.2020 to 15.07.2020	15.07.2020	29.07.2020	Released to respective a/c	14,405.00

21	SHEILA HAMID MOHAMMED	MBBS	Kerala	03.06.2020	From 03.06.2020 To 15.07.2020	15.07.2020	29.07.2020	PAID	Released to respective a/c	12,569.00
22	AJITHRA M	MBBS	Kerala	01.06.2020	From 01.06.2020 To 30.06.2020	30.06.2020	14.07.2020	PAID	Released to respective a/c	13,481.00
23	ARCHANA U R	MBBS	Kerala	01.06.2020	From 01.06.2020 to 30-06-2020	30.06.2020	14.07.2020	PAID	Released to respective a/c	14,092.00
24	CHITHIRA VIJAYAN	MBBS	Kerala	01.06.2020	From 02-06-2020 to 30-06-2020	30.06.2020	14.07.2020	PAID	Released to respective a/c	13,930.00
25	LEKSHMI S	MBBS	Kerala	01.06.2020	From 02-06-2020 to 30-06-2020	30.06.2020	14.07.2020	PAID	Released to respective a/c	13,930.00
26	THEJUS K THILAK	MBBS	Kerala	01.06.2020	From 01.06.2020 to 15.07.2020	15.07.2020	29.07.2020	PAID	Released to respective a/c	14,709.00
27	KHAN MOHAMMED DANISH MUKHTAR KHAN	MBBS	Kerala	06.06.2020	From 06.06.2020 to 20.07.2020	20.07.2020	03.08.2020	PAID	Released to respective a/c	DETAILS NOT SUBMITTED
28	JAYASANKAR	MBBS	Kerala	04.06.2020	From 04.06.2020 To 03.07.2020	03.07.2020	17.07.2020	PAID	Released to respective a/c	14,612.00
29	SHANTY G RAJ	MBBS	Kerala	06.06.2020	From 06.06.2020 To 06.07.2020	06.07.2020	20.07.2020	PAID	Released to respective a/c	15,386.00
30	SUJI	Nurses	Kerala	04.06.2020	From 04.06.2020 To 04.07.2020	04.07.2020	18.07.2020	PAID	Released to respective a/c	7,150.00
31	VIDHU	Nurses	Kerala	04.06.2020	From 04.06.2020 To Till Date	Still Working	Still Working	PAID	Released to respective a/c	9,632.00
32	DEPU VARGHESE	Nurses	Kerala	04.06.2020	From 04.06.2020 To Till Date	Still Working	Still Working	PAID	Released to respective a/c	4,632.00
33	ASWATHY ABHILASH	Nurses	Kerala	04.06.2020	From 04.06.2020 To Till Date	Still Working	Still Working	PAID	Released to respective a/c	9,632.00

Note - As per MCGM procedures payment of contractual appointments get paid after verification between 10th to 15th day of every month.


Dr. Mahendra Kumbhar
 O.S.D.
 Seven Hills Hospital


Dr. Balkrishna Adsul
 Dean
 Seven Hills Hospital

Officer on Special Duty
 MCGM., Seven Hills Hospital
 Marol, Andheri East,
 Mumbai-400 059.

DR. BALKRISHNA B. ADSUL
 Dean (I/c)
 Seven Hills Hospital
 Isolation & Quarantine Facility
 Marol , Andheri , Mumbai - 59

30

7/7

Anurag Agarwal, IAS
ਅਨੁਰਾਗ ਅਗਰਵਾਲ, ਆਈ.ਏ.ਐਸ.
Additional Chief Secretary
ਵਧੀਕ ਮੁੱਖ ਸਕੱਤਰ

Tele. No. : 0172-2742099
ਟੈਲੀਫੋਨ ਨੰ.



ANNEXURE J (31)

D.O. No. Secy/ACSHFW/20/162
ਅਧ. ਸ.ਪ. ਨੰ.

Government of Punjab

ਪੰਜਾਬ ਸਰਕਾਰ

Department of Health and Family Welfare

ਸਿਹਤ ਤੇ ਪਰਿਵਾਰ ਭਲਾਈ ਵਿਭਾਗ

Chandigarh, the 6.8.2020
ਚੰਡੀਗੜ੍ਹ

Dear Shri Lav Agarwal,

I am in receipt of your D.O. of even No F.N.Covid-19/60/2020-ME/PH dated 27th July 2020, & the ministry's letter of even No. dated 20-7-2020.

2. The instance of non-payment of salaries to GMCH Amritsar Radiologists since April, in violation of Secretary (HFW)'s D.O. Letter no. Covid-19/60/2020-ME(PT-1) dated 18-6-2020 issued in pursuance of order dated 17.06.2020 of Hon'ble Supreme Court, that was brought to my notice relates to the Department of Medical Education & Research (DMER), Punjab. The Principal Secretary Medical Education & Research will be sending reply separately in this regard.

3. However, in view of the very sensitive & serious issue, it has been ensured by the Department of Health and Family Welfare (Punjab), that salaries of all employees for the period 1-6-2020 to 30-6-2020 (to be paid in July 2020) have since been paid & as regards the period 01-7-2020 to 31-7-2020 (to be paid in August 2020), Salary bills have been submitted to the State Treasury, in time.

V. Aggarwal

Yours sincerely,

(Anurag Agarwal)

Shri Lav Agarwal, IAS
Joint Secretary to Govt of India
Ministry of Health and Family Welfare,
Nirman Bhawan, New Delhi.

(3) ANKORONK

D.K.Tiwari, IAS,
Principal Secretary
ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ

Tele. No. 0172-2741291
ਟੈਲੀਫੋਨ ਨੰ.



D.O. No. PS/PSMER/2020/5152
ਅਧਿਕਾਰ ਪੱਤਰ

Government of Punjab
ਪੰਜਾਬ ਸਰਕਾਰ

Department of Medical Education
& Research ਵਿਭਾਗ

Chandigarh, the 6th Aug. 2020
ਚੰਡੀਗੜ੍ਹ

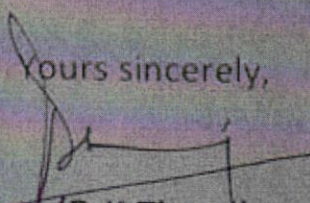
Subject:- Writ Petition (Civil) Diary No. 10852 of 2020- Dr. Arushi Jain versus
Union of India.- reg. Non payment of salary to the Doctors/ Health
workers

Dear Sir,

With reference to your D.O.No.COVID-19/60/2020-ME/PH,
dated 1.8.2020 on the subject cited above, on the part of Department of Medical
Education & Research, Punjab, it is submitted that all faculty members & health
workers are regularly getting their salaries. However for 37 number of faculty &
health workers approval of Finance Department was pending which has been
received today and salaries of all these people is being released immediately.

We are ensuring that all doctors & health workers are getting
salaries regularly in the Department of Medical Education & Research,
Government of Punjab.

With Regards

Yours sincerely,

(D.K.Tiwari)

Sh. Lav Aggarwal, IAS,
Joint Secretary,
Ministry of Health & Family Welfare,
Nirman Bhavan, Government of India,
New Delhi.

ANNEXURE - L -

33

GOVERNMENT OF TRIPURA
DIRECTORATE OF MEDICAL EDUCATION

No.F.10(45)-DME/GEN/AGMC/2015-16/

Dated:-3/8/2020

To
Joint Secretary
Ministry of Health & Family Welfare
Government of India

Kind attention : Sri Lav Agrawal

Sub:- Regarding non-payment of stipend to Interns.

Sir,

In reference to the letter No. D.O.No. COVID-19/60/2020-ME/PH, Dated, the 1st August 2020 I am submitting herewith the following points:

1. 84 Medical Students of Agartala Government Medical College (**AGMC**) passed their Final Year MBBS exams to join the One year compulsory rotatory Internship Training in two spells. In the first spell 75 students passed and in the second spell after review of results in the University another 9 students passed. They have been joining their internship starting from 25/3/2020 and their joining is continuing till date. (**Annexure-A**)
2. Out of these, 82 have joined the One year compulsory rotatory Internship Training at varying points of time this year (2020) in a disjointed manner. 49 students joined on 25.3.20, 2 students on 27.3.20, 3 students on 28.3.2020 and so on. (**Annexure A**)
3. Hence their stipend sanction memos were also prepared for intermittent periods based on their dates of joining. Stipend of Interns is given only after they submit their Bank Beneficiary Details & other relevant details in due time for uploading their Account & creating Beneficiaries on Government Treasury Portal. But some of the Interns who did not submit their beneficiary details and other relevant documents, their stipend could not be paid because of inability to upload their account details in Government Treasury Portal. Their stipend is calculated ordinarily from the Mid of the month to the Mid of the next month.

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4. Accordingly, the stipend of 75 Interns were released on 12.5.20 for their working period of 25.3.20 to 24.4.20. The stipend of 49 Interns were released on 1.7.20 for their working period of 25.4.20 to 25.5.20. **(Annexure B)**
5. Stipend of 48 Interns were released on 2.7.20 for their working period of 25.5.20 to 24.6.20. Stipend of 76 Interns were released on 20.7.20 (Breakup : 26 Intern's Stipend for working period of 25.4.20 to 24.6.20; of 5 Interns for working period of 14.5.20 to 13.6.20; of 3 Interns for working period of 22.5.20 to 21.6.20) **(Annexure C)**
6. Some of the Interns agitated for non-drawing of their stipend before the Medical Superintendent and the Principal of AGMC & GBP Hospital on 1.7.20.
7. The Medical Superintendent, AGMC & GBP Hospital constituted an Enquiry Committee to look after the non-payment of stipend of Interns and asked the Committee to submit the report at earliest. **(Annexure-D)**
8. On Scrutiny of the report of the committee, it is observed that due to some ignorance of few ministerial staff (who deal with stipend and salary) on uploading of the beneficiary and bank detail in Govt. Treasury Portal and mismatching of Bank Account Details as provided by the Interns, there was delay of payment of stipend of some Interns. Accordingly, all the erring Ministerial Staff were shifted out of AGMC & GBP Hospital & were transferred elsewhere.
9. Actions were promptly taken to resolve the issue of Non-Payment of Stipend of Interns and their Stipends were released. Interns are now receiving their stipends regularly every month at Intervals of 30 days. **(Annexure-B)**
10. There has been no inordinate delay in payment of salaries of interns.

Encl:- As stated

Yours faithfully,



(Prof. Chinmoy Biswas)
Director of Medical Education
Government of Tripura

Principal Secretary to Government
Department of Health and Family Welfare
(Medical Education)



ANNEXURE-35
Karnataka Government Secretariat
6th Floor, 4th Stage, M.S. Building
Bengaluru-560 001

No. MED/288/MSF/2020

Dated: 05/08/2020

TO:

The Joint Secretary to the Government of India,
Ministry of Health and Family Welfare,
Department of Health,
Nirman Bhavan,
New Delhi-110001.

Sir,

Sub: Non-payment of Salaries to Doctors/Health workers
in violation of Secretary (HFW)'s DO letter No.
COVID-19/60/2020-ME(P.1) 18.6.2020 issued in
pursuance of order dated: 17.6.2020 of the Hon'ble
Supreme Court

Ref: 1. Letter from Secretary HFW dated 18th June 2020
2. Letter from Deputy Secretary GoI dated 20th July 2020
3. Letter from Lav Aggarwal dated 27th July 2020
4. Letter from ACS HFW Government of Karnataka

With respect to above mentioned subject, a report had been sought vide letter
reference 2 regarding representation filed by the Junior Doctor's Association, JJM
Medical College dated: 11.05.2020 seeking release of their unpaid stipend.

In this regard, a detailed report has been prepared and is attached to this letter for
further necessary action.

Thanking you,

Yours faithfully,

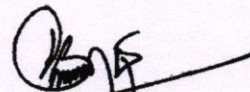
(T.K. ANIL KUMAR)

Principal Secretary to Government
Health and Family Welfare Department
(Medical Education)

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Report on release of Unpaid Stipends in the JJM Medical College Davangere

1. The JJM Medical College is a private Medical College in Davangere District of Karnataka State run by Bapuji Group of Institutions. The college was set up in the year 1965 and has an intake of 250 UG/PG students.
2. As per MCI regulations 2000 rules 13.3 payment of stipend to interns and PG students has to be made by the respective Colleges and in the current case the JJM Medical College Davangere.
3. The JJM Medical college had taken the permission from the Health and Family Welfare Department to use the CG District Hospital, Davangere for availing clinical facilities for the students of the college. The relevant government order dated 29-05 -2013 and subsequent extension from 2016 is at **Annexure-1**. In the case of of JJM Medical College stipend to interns and PG students working in CG District Hospital was paid by Government of Karnataka. This irregular procedure of granting stipend was observed in AG audit of 2016, a copy of which is at **Annexure-2**. On basis of this, audit report subsequently payment of stipend was stopped in the year March, 2019. In this regard the College was informed that the stipend ought to be paid by the college and letter were issued to them which are at **Annexure-3**.
4. In this regard, directions were issued to the College authorities for payment of stipend. This direction of the Government was not complied which resulted in interns and resident doctors going on strike, demanding for payment of stipend. In light of this, a letter was also issued to the College by the Director of Medical Education, a copy of which is at **Annexure-4**.
5. Considering the Covid-19 pandemic situation, and the fact that the doctors are on strike, the Government of Karnataka has agreed for payment of stipend for the period of April 2019 to June 2020 as a onetime measure, subject to the condition that the College gives an undertaking that it would make Payment of stipend from July 2020 onwards. This decision of the State Government was taken considering the fact that this is the Health Emergency situation and there is surge in Covid -19 cases in the State of Karnataka.
6. The undertaking from the College is received on 5.8.2020 and is at **Annexure-5**.



(B.R. Manjunath)
Under Secretary to Government
Health and Family Welfare Department
(Medical Education)

37

PROCEEDINGS OF GOVERNMENT OF KARNATAKA.

Subject: Continuing Clinical Facility to the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere.

Reference: 1. Government Order No. HFW 96 MPS 2010, dated: 20/06/2010
2. Letter dated: MDP (Cli)/66/2012-13 dated: 12/03/2013 from the Commissioner, Health and Family Welfare Services

Proposal:

In the order read at (1) above, permission was accorded to provide Clinical facility to the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere for a period of 3 years.

In the letter read at (2) above, Commissioner, Health and Family Welfare, Bengaluru submitted proposal to the Government to continue the Clinical facility in Chigateri District Hospital and Woman and Child Hospital, Davangere for the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere

Director, Medical Education Director in the letter dated:22/05/2013, opined that the Clinical Fees exemption may be continued for the students studying in private colleges who got selected under Government, which has already been exempted on 30/08/2000.

After examining the proposal of Commissioner, Health and Family Welfare in detail, ordered as under.

**GOVERNMENT ORDER No. HFW 172 CGM 2013, BENGALURU,
DATED: 29/05/2013**

In the background of the facts explained in the proposal, Government has accorded permission to continue the Clinical facility in Chigateri District Hospital and Woman and Child Hospital, Davangere for the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere with effect from 27/03/2013 subject to the conditions mentioned below.

1. The period of the Clinical Facility provided is limited to three years.

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2. After ensuring the payment of fees or advance from the Medical and Post Graduate Students in proportionate to the number of students, Clinical facility may be provided. Failing which concerned Medical Superintendent will be held responsible.
 3. If any damage to the Government Hospital from the student during the period of Clinical facility, the loss must be incurred by the Medical Institution.
 4. If the Clinical facility so provided is not utilized within 3 months from the date of order issued, the order stands cancelled.

By the order and in the name of
Governor of Karnataka,

Sd/-

(P. Narayana)

Under Secretary to Government,
Health and Family Welfare Department,

To:

1. Commissioner, Health and Family Welfare Services, Anand Rao Circle, Bengaluru-09.
2. Director, Health and Family Welfare Services, Anand Rao Circle, Bengaluru-09.
3. District Health and Family Welfare Officer, Davangere Dist., Davangere.
4. Superintendent, Chigateri District Hospital, Davangere.
5. Principal, J.J.M. Medical Institution, Davangere.
6. Extra copy/Guard file.

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Annexure-1

(Translated copy)

PROCEEDINGS OF GOVERNMENT OF KARNATAKA.

Subject: Providing Clinical Facility to the Medical Students studying in J.J.M. Medical College.

Reference: 3. Letter dated:06/08/1987 from IMC, Government of India
4. Government Order No. HFW 172 CJM 2013, dated:29/05/2013.
5. Letter dated: MDP (Cli)/62/2015-16 dated: 18/04/2016 from the Commissioner, Health and Family Welfare Services

Proposal:

In the letter read at (1) above, Government accorded sanction to start Medical Courses to J.J.M. Medical College.

In the order read at (2) above, permission was accorded to provide Clinical facility in Chigateri District Hospital and Woman and Child Hospital, Davangere for the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere.

In the letter read at (3) above, Commissioner, Health and Family Welfare, Bengaluru submitted proposal to the Government to continue the Clinical facility in Chigateri District Hospital and Woman and Child Hospital, Davangere for the Medical and Post Graduate Students studying in J.J.M. Medical College, Davangere

After examining the proposal of Commissioner, Health and Family Welfare in detail, ordered as under.

**GOVERNMENT ORDER No. HFW 110 CJM 2016, BENGALURU,
DATED: 29/04/2016**

In the background of the facts explained in the proposal, Government has accorded permission to provide Clinical facility in Chigateri District Hospital and Woman and Child Hospital, Davangere for the Medical and Post Graduate Students studying in J.J.M. College, Davangere subject to the conditions mentioned below.

5. The period of the Clinical Facility provided is limited to five years.
6. After ensuring the payment of fees or advance from the Medical and Post Graduate Students in proportionate to the number of students, Clinical facility may

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be provided. Failing which concerned Medical Superintendent will be held responsible.

7. If any damage to the Government Hospital from the student during the period of Clinical facility, the loss must be incurred by the Medical Institution.
8. If the Clinical facility so provided is not utilized within 3 months from the date of order issued, the order stands cancelled.
9. The Government quota seats has to be provided as allocated by the Government from time to time.

By the order and in the name of
Governor of Karnataka,

Sd/-

(S.V. Kalavathi)

Under Secretary to Government,
Health and Family Welfare Department,
Health 1 & 2

To:

1. Commissioner, Health and Family Welfare Services, Anand Rao Circle, Bengaluru-09.
2. Director, Health and Family Welfare Services, Anand Rao Circle, Bengaluru-09.
3. District Health and Family Welfare Officer, Davangere Dist., Davangere.
4. Superintendent, Chigateri District Hopital, Davangere.
5. Principal, J.J.M. Medical Institution, Davangere.
6. Extra copy/Guard file.

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Annexure-2

Enquiry No:-8

dt: 16-08-2016

Sub: Irregular granting of Incentives to Private Colleges-Rs. 33.11 crore

Government of Karnataka vide its order HFW/122/MSF/2006 dated: 26-08-2006 had granted permission to Government Medical Colleges, Government dental colleges and candidate admitted in the private colleges under government quota shall be entitled to an honorarium for rendering their services in the Government hospitals allotted to them by the Government who have been permitted to utilized clinical facilities in the Government hospitals against payment of Clinical charges. In this regard, Government has accorded permission to JJM Medical colleges, Davangere vide order dated 29-05-2013 to utilize the clinical facilities at CG Hospital, Davangere and Kasturba Medical College, Mangalore which was established during 1952 and does not have any Government order permitting them to utilize the clinical facilities Wenlock Hospital, Mangalore.

On scrutiny of further records in this regard the following observations are brought to your notice.

1. Even though the Government order dated 26-08-2006 states that incentives should be paid to all the Government Medical, Dental and students admitted to private colleges under Government quota, it is observed that though incentives are directly released to the Government colleges by the Government, it is not clear why incentives are being paid to only students of two colleges instead of all the colleges. Government order if any restricting the incentive only these two colleges may be furnished to audit.

2. As per the Government order permitting the school / colleges to avail the clinical facilities has stated that any colleges availing clinical facilities should be provided to the Nursing school and Medical colleges only for a period of 3 years from the date of commencement of the School / College, thereafter the school / college has to make NN their own arrangement for clinical facilities. It is not clear how clinical facilities are being allowed to the above colleges even though they are more than 3 years old and they have their own hospital facilities, thus indirectly benefits the private medical institutions.

3. if respect to Kasturba Medical Colleges, Government has not permitted them to utilize the clinical facilities at Wenlock Hospital, Mangalore in the absence of any order it is not clear authority under which they have being allowed to avail clinical facilities and claim incentive to their students, government order if any may be produced to audit. Hence, the irregular procedure of granting incentives to the colleges has resulted in irregular payment of Rs.33,11,80,221/- to the above two colleges. Further, as the department has not paid incentive to other government quota students, it has showed selective procedure in giving incentives and thus denying the benefit to other students.

Action may be taken to authorize incentive as per the Government order and stop payment to ineligible colleges.

Sd/-

Inspecting officer

To,
The Director of Medical Education,
Bengaluru.

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Annexure-3 (Translated copy)

Government of Karnataka

Letter no: MED/04/RGU/2019(P-2)

Government of Karnataka,
MS Building,
Bengaluru, Dated: 05.02.2020

From,

The Principal Secretary to government,
Medical Education department,
MS Building,
Bengaluru-560 001.

To,

1. The principal,
JIM Medical college,
Davangere
2. The Director,
Directorate of Medical Education,
Anandrao circle,
Bengaluru-560 009

Sir,

Sub: Regarding payment of Stipend to the interns and PG Students of JIM Medical College, Davangere & Kasturba Medical college, Mangalore.

- Ref:**
1. Letter from the Directorate of Medical Education No: ME/GIA/STI/01/2019-20, Dated: 25.10.2019.
 2. Letter from the Government No: HFW 332 RGU 2017, Dated: 30.10.2018.

With reference to the subject mentioned above, your kind attention is drawn to the letter mentioned in the reference. Your proposal for payment of stipends from Government to the interns & PG students of JIM Medical College, Davangere & Kasturba Medical college, Mangalore working in CG hospital and wenlock hospital has been examined in detail. It is observed that AG has objected for the payment of Stipends for these students. It is noted that as per MCI regulations Private Medical Colleges are supposed to have their own hospitals and the students are supposed to avail the clinical facilities from the same establishment. Further, college authorities are supposed to pay the stipends to the interns & PG students. This has been communicated vide Government letter referred above. Hence, you are hereby instructed to take necessary action to ensure that stipend is paid to the interns & PG students from the respective institutions only.

Yours faithfully,

(B.V Maruthi prasanna)
Under Secretary to Government-1,
Medical Education Department

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Annexure-4 (Translated copy)

Directorate of Medical Education

Letter no:ME/GIA/STI/01/2019-20

Anandrao circle, Bengalore-560 009

Dated:19.02.2020

To,

**1. The principal,
JJM Medical college,
Davangere**

**2. Dean ,
Kasturba Medical college,
Mangalore.**

Sir,

Sub: Regarding payment of Stipend to the interns and PG Students of JJM Medical College, Davangere & Kasturba Medical college, Mangalore.

Ref: Letter from the Government No: MED/04/RGU/2019(p-2), Dated:05.02.2020.

With reference to the subject mentioned above, we here by inform that AG has objected for payment of stipends from Government to the interns & PG students of JJM Medical College, Davangere & Kasturba Medical college, Mangalore selected under Government quota. We would like to bring to your notice that as per MCI regulations Private Medical Colleges are supposed to have their own hospitals and the students are supposed to avail the clinical facilities from the same establishment. Further, college authorities are supposed to pay the stipends to the interns & PG students. Hence, as per the Government letter quoted in the reference, you are here by instructed to strictly adhere to the MCI regulations and make payment to interns & PG students

Your's faithfully,

Director of Medical Education



सत्यमेव जयते

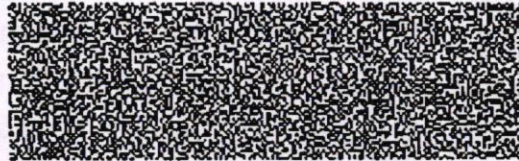
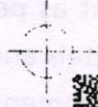
Annexure-5

INDIA NON JUDICIAL

Government of Karnataka

e-Stamp

Certificate No. : IN-KA93509381327921S
Certificate Issued Date : 03-Aug-2020 03:05 PM
Account Reference : NONACC (FI)/ kaksfcl08/ DAVANGERE5/ KA-DV
Unique Doc. Reference : SUBIN-KAKAKSFCL0888646278908402S
Purchased by : THE CHAIRMAN JJM MEDICAL COLLEGE DAVANGERE
Description of Document : Article 29 Indemnity Bond
Description : INDEMNITY BOND
Consideration Price (Rs.) : 0
(Zero)
First Party : THE CHAIRMAN JJM MEDICAL COLLEGE DAVANGERE
Second Party : THE DIRECTOR OF MEDICAL EDU GOVT OF KARNATAKA
Stamp Duty Paid By : THE CHAIRMAN JJM MEDICAL COLLEGE DAVANGERE
Stamp Duty Amount(Rs.) : 500
(Five Hundred only)



(Handwritten signature)

Please write or type below this line



Statutory Alert:

1. The authenticity of this Stamp Certificate should be verified at "www.shilestamp.com". Any discrepancy in the details on this Certificate and as available on the website renders it invalid.
2. The onus of checking the legitimacy is on the users of this Certificate.
3. In case of any discrepancy please inform the Competent Authority.

45

Indemnity Bond

I Shri S Shivashankarappa S/O Kallappa of aged 89 representing the management of JJM Medical College Davanagere do solemnly take an oath declare to undertake as hereunder:-

1. JJMMC is Medical college, having obtained recognition to run MBBS and Post Graduate courses by the Medical Council of India.
2. JJMMC is affiliated RGUHS and the students Graduating from the Institute are awarded degree and Post Graduate degree recognised by RGUHS (Which in turn is recognised by Medical Council of India).
3. In pursuant of MCI regulation (under section /class13.3. of PG Medical regulation 2000 of MCI), the management undertakes pay stipend to the post graduate students admitted under Government quota and posted to Chigateri General Hospital pursuing post graduate courses in various disciplines in the college at the rates prescribed by the state Government /competent/ appropriate authority during their Post Graduation course, with effect from 1st July 2020.
4. The management undertakes to pay stipend to the MBBS students admitted under Government quota and who have been posted to Chigateri General Hospital for Internship at the rates prescribed by the state Government /competent/ appropriate authority during their Internship, with effect from 1st July 2020.
5. The Management of JJMMC shall indemnify the state Government represented by the Director of Medical Education and authorize the director of Medical Education to initiate legal and penal proceedings in the event of any default in this regard.

Deponent

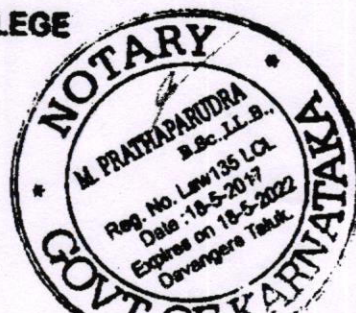
S. P. Shen
CHAIRMAN
JJM MEDICAL COLLEGE
DAVANGERE.

Date: 4-8-2020

Identified by me:

Duly sworn Before Me:

SWORN TO BEFORE ME



NO OF CORRECTION

NM

NOTARY
DAVANGERE

DATE

4-8-2020



ANNEXURE - M

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भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय
निर्माण भवन, नई दिल्ली-110011

Government of India

Ministry of Health and Family Welfare
Nirman Bhavan, New Delhi - 110011

D.O. No. COVID19/60/2020 ME (Part 1)

Dated the 3rd August, 2020

आरती आहुजा भा.प्र.से.

अपर सचिव

Arti Ahuja, IAS

Additional Secretary

Tel. : 011-23061066, 23063809

E-mail : ash-mohfw@nic.in

Dear madam,

This relates to Writ Petition (Civil) 10852 of 2020 (Arushi Jain versus Union of India) before Hon'ble Supreme Court of India, and our telephonic discussion on the matter today.

1. In an earlier order passed by the Hon'ble Court on 17th June, 2020 a seven day quarantine was mandated for doctors and healthcare workers exposed to a case of COVID in health care setting. Accordingly, in compliance of the Court order, Secretary (H) wrote to all States/UT administrations for its conformity (letter attached).
2. In a subsequent hearing held on 31st July, 2020 one of the difficulties pointed out by the Counsel for the petitioner was that those doctors and health workers who are quarantined for the above period, their period of quarantine is being treated 'as on leave'.
3. While expressing a view point that such period should not be treated as leave, the learned Solicitor General submitted before the Hon'ble Court that he will obtain necessary instruction/clarifications from the Ministry. A copy of the Hon'ble Supreme Court order is attached.
4. High risk exposure of doctors and health workers in such cases is acquired while performing COVID duty in hospitals and other COVID dedicated facilities, and quarantine is prescribed by competent authorities in larger public interest to stop spread of the disease. Hence, Ministry of Health & Family Welfare is of the view that quarantine period of doctors and health workers should not be treated as leave but as 'on duty'.
5. Since doctors working in Central Government hospitals, CGHS etc. belong to Central Health Services (CHS) and their service rules are governed by DoPT, it is requested that DoPT may provide its concurrence/comments in this regard.
6. Once DOPT concurs with the above proposition, DoPT is requested to issue a general advisory. A draft advisory is enclosed.
7. The next date of hearing is 10th August, 2020. Prior to this MOHFW has to file an affidavit in the Hon'ble Court. Hence, an early response in this regard will be much appreciated.

With warm regards,

Yours sincerely,

(Arti Ahuja)

Ms. Sujata Chaturvedi
Additional Secretary
Department of Personnel and Training,
Room No. 111, North Block, New Delhi - 01

No.14029/5/2019- -Estt.(L)-(pt.2)
Department of Personnel & Training
(Estt. Leave Section)

JNU Old Campus, New Delhi
Dated 05.08.2020

OFFICE MEMORANDUM

Subject: Quarantine period granted due to high risk exposure of COVID to be treated as on duty' - regarding.

The undersigned is directed to refer to the Chief Medical Officer, EMR Division, Dte. GHS, Ministry of Health and Family Welfare's email dated 3rd August, 2020 on the above mentioned subject and to say that the proposal of quarantine period for doctors and health care workers exposed to COVID to be treated as on duty has been considered in the Department on account of the occupational hazards of risk of exposure, and the same is agreed to. Ministry of Health and Family Welfare may issue order accordingly.

2. This issues with the approval of the Competent Authority.



(Rajendra Prasad Tewari)

Under Secretary to the Govt of India
011-26164316

Chief Medical Officer (Dr. Yogesh, MD.)
EMR Division, Dte GHS
Ministry of Health and Family Welfare
Nirman Bhawan, New Delhi-110011.

Urgent
JS(LA)

DS(EMR)

DS(PH) L



LAV AGARWAL, IAS

Joint Secretary

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सत्यमेव जयते

ANNEXURE-P

भारत सरकार

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

निर्माण भवन, नई दिल्ली - 110011

GOVERNMENT OF INDIA

MINISTRY OF HEALTH & FAMILY WELFARE

NIRMAN BHAVAN, NEW DELHI - 110011

F. No. COVID-19/60/2020-ME(Pt.1)

Dt. 06 August, 2020

Dear *Madam/Sir,*

As you are aware, healthcare workers are in the fore-front of COVID management. One of the occupational hazards is risk of exposure and acquiring the disease. Advisory has already been issued on risk assessment and categorization of doctors and other healthcare workers exposed to COVID and categorizing them as high risk and low risk exposures (<https://www.mohfw.gov.in/pdf/updatedAdvisoryforManagingHealthcareworkersworkinginCOVIDandNonCOVIDAreasofthehospital.pdf>).

2. Persons with high risk exposure to the virus while performing COVID duty are required to undergo quarantine initially for one week only. Thereafter, taking profile of such healthcare workers, a decision shall be taken by institution to extend quarantine for a further period of one week. This quarantine has been prescribed in larger public interest to stop spread of the disease.

3. During a hearing held on 31.07.2020 in the Hon'ble Supreme Court in WP(C) No. 759/2020-Dr. Arushi Jain vs. UoI and others, it was pointed out that in some cases doctors and health workers, who are quarantined, their period of quarantine is being treated as on leave.

4. The matter has since been considered by this Ministry in consultation with Department of Personnel and Training, Govt. of India, and it has been decided that the quarantine period of doctors and health workers needs to be treated as 'on duty'.

5. All concerned may accordingly be directed to ensure that quarantine period of Doctors and health workers for their duties related to COVID-19 shall be treated as 'on duty' only.

With *regards,*

Yours sincerely,

(Lav Agarwal)

To,

1. ACSs/Pr. Secretaries/Secretaries (Health) of all States/UTs
2. Directors of all AIIMS
3. Directors / MS of all Central Government Hospitals

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 759 OF 2020

IN THE MATTER OF:-

Dr. Arushi Jain

.....Petitioner

Versus

Union of India and Another

.....Respondent(s)

APPLICATION ON BEHALF OF RESPONDENT NO. 1, UNION OF INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE FOR EXEMPTION FROM FILING ATTESTED / NOTARIZED COPY OF AFFIDAVIT

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION ON BEHALF OF
THE RESPONDENT NO. 1 ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the applicant, Respondent No. 1, Union of India, Ministry of Health and Family Welfare, is filing an Affidavit in the above captioned writ petition, the contents of which are not being repeated herein for the sake of brevity. The applicant craves the leave of this Hon'ble Court to treat the contents of the affidavit filed by the applicant as part and parcel of this application.

2. That the applicant is filing the present application for exemption from filing attested / notarized copy of affidavit in view of the unavailability of Notary Public / Oath Commissioner due to restrictions placed during

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pendency of COVID-19 pandemic and undertakes to file the same as and when normal working of this Hon'ble Court is resumed or as directed by this Hon'ble Court.

3. That for the reason stated in para 2 above, the applicant most humbly prays that the present application for exemption from filing attested / notarized copy of the affidavit may please be allowed by this Hon'ble Court.

4. That the present application is being filed bonafide and in interest of justice and equity.

PRAYER

In the above premise, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Exempt the applicant from filing attested / notarized copy of an affidavit in the interest of justice; and
- b) pass such other or further order or orders as this Hon'ble Court may deem fit and proper as per the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

(ASHWANI KUMAR)
Advocate

FILED BY:

[G.S. MAKKER]
Advocate for Applicant
Ministry of Health and Family Welfare.

NEW DELHI.

DRAWN ON: 07.08.2020.

FILED ON: 07.08.2020.

(51)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 759 OF 2020

IN THE MATTER OF:-

Dr. Arushi Jain

.....Petitioner

Versus

Union of India and Another

.....Respondent(s)

APPLICATION ON BEHALF OF RESPONDENT NO. 1, UNION OF INDIA, MINISTRY OF HEALTH AND FAMILY WELFARE SEEKING EXEMPTION FROM PAYMENT OF COURT FEE.

TO,

THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF THE
HON'BLE SUPREME COURT OF INDIA

THE HUMBLE APPLICATION ON BEHALF OF
THE RESPONDENT NO. 1 ABOVE NAMED

MOST RESPECTFULLY SHOWETH:

1. That the applicant, Respondnt No. , Union of India, Ministry of Health and Family Welfare, is filing an affidavit in the above captioned writ petition, the contents of which are not being repeated herein for the sake of brevity. The applicant craves the leave of this Hon'ble Court to treat the contents of the affidavit filed by the applicant as part and parcel of this application.

2. That the applicant is filing the present application for exemption from payment of court fee in view of the unavailability of the same due to restrictions placed during pendency of COVID-19 pandemic and undertakes

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to provide the Court Fee as and when normal working of this Hon'ble Court is resumed or as directed by this Hon'ble Court.

3. That for the reason stated in para 2 above, the applicant most humbly prays that the present application for exemption from payment of court fee may please be allowed by this Hon'ble Court.

4. That the present application is being filed bonafide and in interest of justice and equity.

PRAYER

In the above premise, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Exempt the applicant from making payment of court fee in the interest of justice; and
- b) pass such other or further order or orders as this Hon'ble Court may deem fit and proper as per the facts and circumstances of the present petition.

AND FOR THIS ACT OF KINDNESS, YOUR HUMBLE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

(ASHWANI KUMAR)
Advocate

FILED BY:

[G.S. MAKKER]
Advocate for Applicant
Ministry of Health and Family Welfare.

NEW DELHI.

DRAWN ON: 07.08.2020.

FILED ON: 07.08.2020.