



\$~1 (SDB) & 2(SDB)

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 8th January, 2026

Uploaded on: 12th January, 2026

+ **W.P.(C) 3903/2017, CM APPLs.18718/2017, 19134/2017 & 27526/2018**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar, Ms. Ashna Khan & Ms. Gousia Iqbal, Advs. Amicus Curiae.
Mr. Vishwajeet Singh, for Mr. Siddharth Aggarwal, Sr. Adv. *Amicus Curiae*. (M: 8800894344)

versus

UNION OF INDIA & ORS

.....Respondent

Through: Ms Arunima Dwivedi CGSC with Ms Himanshi Singh, Ms Monalisha Pradhan & Ms Priya Khurana, Advs. for UOI. (M: 9810916537)
Mr. Sameer Vashisht, Standing Counsel (Civil), GNCTD, Mr. Nikhil Kumar, Chief Secretary, Health & Family Services, Ms. Khushboo Mittal, Adv. & Ms. Harshita Nathrani, Adv.
Mr Sagar Saxena, Mr Krishnandu Halдар & Mr Abu Hassan Usmani, Advs. for JACSDO. (M: 9560153707)
Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal. Advs. for UPSC. (M: 9927876238)
Mr. Rakesh Malhotra, Mr. Bharat Malhotra & Ms. Smritika Kesri, Advs. for MCD. (M: 8447151507)
Ms. Radhika Bishwajit Dubey CGSC alongwith Ms Gurleen Kaur Waraich



and Mr Kritarth Upadhyay, Vivek Sharma, Advocate. (M: 9026894805) Mr. V.S.R. Krishna Adv. and V. Shashank Kumar Adv for Respondent AIIMS.

Mrs Avnish Ahlawat SC GNCTD Services, Mr Uday Singh Ahlawat, Mrs Tania Ahlawat, Mr Nitesh kumar Singh, Advs.

Mr. Tushar Sannu and Mr. Fajallu Rehman, Adv. for GNCTD. (M:9911991166)

Mr. Amit Tiwari, CGSC with Ms. Ayushi Srivastava, Mr. Ayush Tanwar, Mr. Arpan Narwal, Mr. Kushagra Malik, Advs. for UOI.

2(SDB)

AND

+ **W.P.(C) 8548/2017, CM APPLs. 985/2024 & 50101/2024, CM APPL. 840/2026**

COURT ON ITS OWN MOTION

.....Petitioner

Through: Mr. Ashok Agarwal, Mr. Kumar Utkarsh, Mr. Manoj Kumar, Ms. Ashna Khan & Ms. Gousia Iqbal, Advs. Amicus Curiae. (M: 9811101923)

Mr. S.D. Windlesh in person.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms Arunima Dwivedi CGSC with Ms Himanshi Singh, Ms Monalisha Pradhan & Ms Priya Khurana, Advs. for UOI.

Mr. Sameer Vashisht, Standing Counsel (Civil), GNCTD, Mr. Nikhil Kumar, Chief Secretary, Health & Family Services, Ms. Khushboo Mittal, Adv. & Ms. Harshita Nathrani, Adv.



Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal, Advs. for UPSC.

Mr. Tushar Sannu and Mr. Fajallu Rehman, Adv. for GNCTD.

Mr. V.S.R. Krishna Adv. and V. Shashank Kumar Adv for Respondent AIIMS.

Ms. Avshreya Pratap Singh Rudy, CGSC with Ms. Usha Jamnal, Ms. Prajna Pandita, Ms. Nyasa Sharma & Mr. Mohammad Junaid Mahmood, Advs. (M: 9810001315)

Mrs. Avnish Ahlawat, Standing Counsel, GNCTD with Mr. N.K. Singh, Ms. Aliza Alam, Mr. Mohnish Sehrawat and Ms. Laavanya Kaushik, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MANMEET PRITAM SINGH ARORA

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. On the last date of hearing *i.e.* 17th December, 2025, certain directions had been issued by this Court in the following terms:

“3. Today, the Court has perused the status report filed by the Government of NCT of Delhi (GNCTD), as also the minutes of the meeting dated 22nd September, 2025 filed by AIIMS.

4. The same clearly reflects that there is a substantial delay in providing even the most basic services, such as radiological diagnostic services. Insofar as the implementation of the NextGen e-hospital application is concerned, even that has been considerably delayed. The entire purpose of implementing the said application has been defeated in this manner due to the substantial



delay, which is completely unacceptable to the Court. The said application is of critical importance for making Emergency services available in hospitals in Delhi.

5. The Court notes that in each of these issues, the GNCTD appears to be proceeding on the basis that tenders are first called for consultants or advisors, who will advise as to what is the course of action and, thereafter, the procedure is to be followed for bringing proper service providers on board. This is likely to affect the health services in Delhi and jeopardise the lives of citizens.

6. The Dr. S.K. Sarin Committee Report ought to be implemented in its letter and spirit, which is not being done as is being seen over the last few months. Accordingly, let the Health Secretary, GNCTD, be present in Court on the next date of hearing specifically with instructions in respect of the NextGen e-hospital application and the Radiological testing services.

7. Further, the GNCTD shall place a further status report taking into consideration the submissions made by ld. Amicus Curiae in the note dated 31st October, 2025.

8. Insofar as the issue related to increasing EWS criteria across the hospitals in Delhi is concerned, Mr. Vashisht, ld. Counsel submits that the meeting of the Special Committee was convened on 2nd December, 2025, wherein the decision of the Special Committee for approval for enhancement of the EWS criteria from Rs.2,25,000/- to Rs.5,00,000/- was considered and the same is now stated to be pending before the competent authority. Let the competent authority take the decision and the same be placed on record.”

3. In terms of the above directions, today, Mr. Nikhil Kumar, Secretary, Health and Family Welfare, GNCTD, has joined the proceedings virtually.



4. At the outset, it has been submitted by Mr. Nikhil Kumar that in furtherance to the direction of this Court, the issue pertaining to the approval for enhancement of the EWS criteria from Rs. 2,25,000/- to Rs. 5,00,000/- has been considered by the competent authority and the same has been approved.

5. Accordingly, an order has also been issued in this regard on 2nd January, 2026 in the following terms:



**DIRECTORATE GENERAL OF HEALTH SERVICES
(ECONOMICALLY WEAKER SECTION)
3RD FLOOR, DGD BUILDING, S-1, SCHOOL BLOCK, SHAKARPUR, DELHI- 110092
Email: freepatientcell2@gmail.com**

No. F.13(906)/DGHS/HQ/EWS/2025/13-19

Dated: 2/01/2026

ORDER

Please find enclosed herewith the Minutes of the Meeting circulated vide No. F.13(906)/DGHS/HQ/EWS/2025/686-692, wherein it has been decided by the Special Committee, in compliance with the orders of the Hon'ble High Court dated 02.09.2025 and 31.10.2025 in WP (C) No. 8548/2017 and CM Applications No. 985/2024 and 5101/2024, that the income criterion for eligible patients belonging to the Economically Weaker Section (EWS) for availing treatment from Identified Private Hospitals has been revised.

Accordingly, the income limit has been enhanced from Rs. 2, 20,000/- (Rupees Two Lakh Twenty Thousand only) to Rs. 5, 00,000/- (Rupees Five Lakh only) per annum.

In this regard, all Medical Superintendents and Nodal Officers of the Identified Private Hospitals are hereby directed to strictly adhere to the instructions already conveyed concerning the treatment of eligible EWS patients. The revised income criterion of Rs. 5, 00,000/- per annum shall be followed henceforth.

All concerned are requested to ensure compliance with the above directions and non compliance of the above order shall be viewed seriously.

(Dr. Vatsala Aggarwal)

Director General of Health Services

No. F.13(906)/DGHS/HQ/EWS/2025/13-19

Dated: 2/01/2026

Copy forwarded to the following for information and necessary action:-

1. OSD to Hon'ble Minister of Health, Delhi Sectt., I.P.Estate New Delhi.
2. PS to Secretary, H&FW Department, Delhi Sectt. I.P.Estate New Delhi.
3. PA to Spl. Secretary, H&FW Department, Delhi Sectt. I.P.Estate New Delhi.
4. PS to All Medical Director/Superintendent Delhi Govt. of Hospital GNCTD.
5. All Medical Supdt./Nodal Officer of Identified Private Hospitals.
6. Liaison Officer, of all Identified Private Hospitals.
7. PA to Medical Supdt. Nursing Home Cell, DGHS, Shakarpur Delhi.

(Dr. Vatsala Aggarwal)

Director General of Health Services



Direction No.1: It is, therefore, clear that all persons who wish to avail of health facilities in Delhi would now be entitled to take benefit under the EWS criteria of Rs.5,00,000/-, upon satisfying the necessary pre-conditions. The said enhancement would apply to all Government hospitals across Delhi and all identified Private hospitals built on land allotted at concessional rates, where the EWS norms are applicable. This Court takes this enhanced EWS criteria on record and directs that adequate publicity be given to this enhancement so that citizens are made aware of the same and take benefit.

6. Insofar as the direction of the Court with respect to implementation of the Dr. S.K. Sarin Committee Report is concerned, an application, being ***CM APPL. 840/2026*** has been filed on behalf of GNCTD, giving the details of the current status of compliance of various directions of the Court under various heads. The following is the status in respect of each of the said heads:

A. Human resources, specialists, nursing and para-medical staff-

Issue	Present Status
Specialists (Non-Teaching, Teaching Specialist & GDMOs)	Out of 232 dossiers provided by UPSC, 161 GDMOs have joined the post and rest are under process. Against the recruitment of 258 Non-teaching specialist 144 dossiers are received from UPSC and posting orders have been issued. Recruitment of 21 Non-Teaching Specialist (radio-diagnosis) is under process with UPSC. UPSC has been requested to expedite the matter.]
Engagement of Nursing & Paramedical Staff	Nursing Officer: 1394 dossiers received from DSSSB out of which 800 candidates have joined their respective place of posting and rest recruitment is under process. Paramedical posts: Details in r/o 141 posts for which dossiers have been received from DSSSB and forwarded to hospitals for appointment. Further in r/o



Issue	Present Status
	625 posts the examination has already been conducted and the result is awaited. 199 posts have been advertised, exam yet to be conducted and for 75 posts requisitions have been submitted to DSSSB and the vacancies are yet to be advertised by DSSSB.

7. A perusal of the above would show that while recruitment of several non-teaching, teaching, specialists and GDMOs has taken place, there are a substantial number of posts that are yet to be filled.

8. **Direction no.2:** Accordingly, it is directed that the UPSC and the DSSSB, which are the two bodies undertaking the said recruitment process shall expedite these recruitments and shall specifically submit the status of the same to the Health Secretary, GNCTD, who shall then place it on record, along with the relevant timelines. The concerned officials of the UPSC and the DSSSB shall render all cooperation to ensure that the recruitment is not delayed further.

B. Diagnostic, CT, MRI and radiological services-

9. In respect of this head pertaining to various diagnostic and radiological services, where either services are presently not available in various hospitals or machines are not fully functional, there are two submissions which have been made on behalf of GNCTD:

- i. Firstly, wherever the waiting period for MRI, CT scan and other radiological services is more than three days, the Health Secretary has informed the Court that there are 35 empanelled diagnostic centres where the patients can get free services. Out of these 35 centres, in some centres, radiological services are stated to be available.



ii. Secondly, it is stated that a sum of Rs. 80 crores has been disbursed in the last year to these centres.

10. However, the Court is not satisfied with this response as there is no clarity as to whether these 35 diagnostic centres are capable of carrying out radiological services such as ultrasound, X-ray, MRI, CT scan which are very basic services that need to be available for patients.

11. **Direction no.3:** In view thereof, let a chart be prepared and placed on record by the GNCTD, providing the following particulars:

- a. List of all the Government hospitals in Delhi and the actual diagnostic and radiological services available therein in terms of machinery and technicians to run the same, including X-ray, ultrasound, CT-Scan and MRI.
- b. The said list of Government hospitals shall also contain the details as to whether the machines in these hospitals are functional or not and the number of patients who have undergone these tests in the last calendar year *i.e.* in 2025.
- c. List of all the diagnostic centres across Delhi and the kind of services available in each of these centres, including details as to how many patients availed of the radiological services in the above 35 diagnostic centres after being referred from Government hospitals.
- d. Details of funds disbursed to these 35 diagnostic centres in the last calendar year *i.e.* in 2025 shall also be provided.
- e. There is also a grievance expressed that even in the Government Hospitals where radiological tests are conducted, the reports are considerably delayed. This aspect shall also be looked into by the GNCTD and a report in respect thereof shall also be placed on record.



12. Further, insofar as the timelines for providing radiological services are concerned, the relevant status, as provided in the application filed on behalf of GNCTD reads as under:

Present Status	
	The timelines submitted vide Status Report dated
	30.10.2025 (Annexure-A1) for each milestone in respect of Radiological Diagnostic Services through PPP mode are being duly complied with within the prescribed time. The milestones relating to Inception Report, Site Suitability Assessment, Demand Assessment & Financial Analysis, and PPP Option Analysis have already been completed. The remaining milestones are scheduled to be achieved within the stipulated time frame as already submitted before this Hon'ble Court on dated 30.10.2025.

13. As per this above table, the bid document ought to have been prepared by today, as the deadline for the same in terms of the above table is 9th January, 2026.

14. **Direction no.4:** Hence, in the opinion of this Court, considering the criticality of radiological services, it is deemed appropriate to direct that the bid document ought to be finalised immediately and the bidder outreach be done over the next one month itself so that any bidders, who wish to provide these services in the Government hospitals in Delhi can be identified and negotiations can be undertaken with the said bidder.

15. Since the said process of bidding requires close monitoring, owing to the critical nature of the service, the Health Secretary, GNCTD- Mr. Nikhil Kumar has assured the Court that he would personally supervise the same.



C. HMIS/ Digital Health Systems-

16. In respect of the HMIS system which is recommended in the Dr. S.K. Sarin Committee Report, there were 14 Modules which were to be implemented across the Government hospitals in Delhi, which are as under:

1	Health Facility Configuration
2	OPD Configuration
3	OPD Registration (include Causality Registration)
4	IPD Admission, Discharge and Transfer (including Hospital Admin)
5	ABHA Scan and Share
6	Appointment (Counter/ORS)
7	Allied Services
8	Medical Record Department (MRD)
9	Radiology Information System (RIS)
10	Store and Inventory
11	Laboratory Information System (LIS)
12	Operation Theatre (OT)
13	IPD Clinic
14	OPD Clinic

17. Out of the above mentioned 14 modules, Health Secretary, GNCTD– Mr. Nikhil Kumar has informed the Court that 7 have already been implemented and with respect to the remaining 7, the deadline is 31st January, 2026. The said status, as provided in the application filed by the GNCTD is as under:



Present Status		
Out of above 14 modules, 07 modules have been fully implemented in all Government hospitals well before stipulated time as submitted before Hon'ble Court. The details of the implemented modules are as under:-		
Sr.No.	NextGen e-Hospital Module Name	Status
1	Health Facility Configuration	Implemented
2	OPD Configuration	Implemented
3	OPD Registration (include Causality Registration)	Implemented
4	IPD Admission, Discharge and Transfer (including Hospital Admin)	Implemented
5	ABHA Scan and Share	Implemented
6	Appointment (Counter/ORS)	Implemented
7	Allied Services	Implemented
Further, the remaining 07 modules will be implemented by January 2026 which is well before the stipulated time of March 2026 as submitted earlier before Hon'ble Court. (The comprehensive timelines of the implementation of various modules of NextGen HIMS submitted earlier is placed at Annexure- A2). Thus, the department is committed to implement NextGen e-hospital modules as per the committed timelines.		

18. **Direction no.5:** Let the remaining 7 modules be also implemented by 31st January, 2026 and the demonstration of the same be given by the officials of NIC, along with the Department of Health and Family Welfare, GNCTD, on the next date of hearing before the court.
19. The Court is further informed that the data relating to availability of emergency facilities, trauma related facilities as also availability of beds in government hospitals is clearly put up on the website and patients can access the same.
20. **Direction no.6:** Let the GNCTD and NIC study the feasibility of



making the said data available on real-time basis in a mobile application so that it is made easily accessible to patients, police personnel who usually deal with accident victims, ambulance providers, private hospitals etc., A status report be presented on the next date on this aspect.

D. Medical Superintendents/ Directors-

21. In respect of this head pertaining to the appointment of Medical Superintendents/Directors in the Government hospitals across Delhi, the following submission has been made in the application filed by GNCTD:

		Present Status
		Dedicated full time MS/MD/Directors of all the hospitals under H&FW, GNCTD had been appointed vide order dated 28.04.2025. Hence, the issue may be treated as complied.

22. **Direction No.7:** Thus, on this issue, the matter shall stand closed with the direction that in future, whenever MS/MD/Directors of Hospitals are due to retire, appropriate steps shall be taken in advance to ensure that the positions are filled on a timely basis.

E. Medicines and Jan Aushadhi Kendra's

23. In respect of this head pertaining to the Medicines and *Jan Aushadhi Kendras* in the Government hospitals across Delhi, the following submission has been made in the application filed by GNCTD:

		Present Status
		26 Jan Aushadhi Kendra (JAKs) are already established and are running presently in or near the premises of different hospitals in Delhi. Hence, the issue may be treated as complied with.

24. It is also submitted by Mr. Nikhil Kumar, Health Secretary, GNCTD, that there are only 2 hospitals remaining wherein the *Jan Aushadhi Kendras*



are not set up because feasibility had been conducted for these hospitals and since they already have the necessary facilities of pharmacies etc. the establishment of *Jan Aushadhi Kendras* was deemed to be not required.

25. Mr. Nikhil Kumar, Id. Secretary also submits that wherever any further *Jan Aushadhi Kendras* are to be established across Delhi, based upon the requirements of the locality or needs of the residence, the same would be established as per the decision taken by the competent authority.

26. Let the competent authority do so.

27. Accordingly, on the issue of *Jan Aushadhi Kendras* as well, the matter stands closed.

F. Delhi Arogya Kosh (DAK) & PM-ABHIM

28. In respect of this head pertaining to the *Delhi Arogya Kosh* & PM-ABHIM Schemes, the following submission has been made in the application filed by GNCTD:

Issue	Status as per SR dated 10.01.2025
Delhi Arogya Kosh to non-trauma emergencies.	The Delhi Arogya Kosh Society which is chaired by the Hon'ble Minister Health vide meeting dated 09.12.2024 has taken decision that it is in-principal agreement with the proposal, however the modalities in this regard has not been decided by the Society. No further steps (details of requirement of budget, No. of anticipated cases, empanelment of hospitals etc. and other modalities) have been decided by the society till date.



		Present Status
		PM-JAY- Under the flagship scheme of Ayushman Bharat-PMJAY (Ayushman Bharat Pradhan Mantri Jan Arogya Yojana), a total of 6,72,551 Ayushman Cards have been issued, which includes 2,62,383 VVY (Vay Vandana Yojna) cards for senior citizens aged 70 and above. Presently, 188 hospitals are empanelled under the scheme in Delhi, comprising 137 private hospitals and 51 government hospitals. 19287 patients treated successfully under PMJAY in empanelled hospitals and 11780 claims payments initiated by SHA amounting to Rs. 31.80 crore.
		PM-ABHIM- As on date, 238 Ayushman Arogya Mandir (Health and Wellness Centres) has been working out of which 123 Urban Primary Health Centre and 115 Urban Sub Health Centres are functional. The issue may be treated as complied with.

29. A perusal of the above would show that insofar as the PM-JAY and PM-ABHIM Schemes are concerned, the GNCTD has already taken a decision to implement these schemes in Delhi, since these are continuing schemes.

30. **Direction No.8:** Accordingly, the Delhi Government shall ensure that the schemes are rolled out and implemented in an efficient and robust manner, so that all the entitled citizens derive benefits from these Schemes.

31. **Direction No.9:** Insofar as the Delhi *Arogya Kosh* (DAK) is concerned, there is a lack of clarity as to whether this scheme has been continued or not. Thus, let the status report be filed in this regard by the next date of hearing.

G. Infrastructure– Brownfield and Greenfield Hospital Project

32. Insofar as the issue pertaining to the construction and infrastructural development of these hospital projects are concerned, one of the main projects where there is a lack of clarity is the Lok Nayak Hospital, which is stated to have been partially constructed.



33. Mr. Nikhil Kumar, Health Secretary submits that in the said hospital, the new block for medicine, maternity and paediatric centre has already been partially constructed, but due to budgetary constraints and other reasons, the work has been stopped.

34. **Direction No.10:** Let a meeting be held between the officials of the PWD and the Department of Health & Family Welfare, GNCTD and a decision be taken immediately in respect of the completion of the work at Lok Nayak Hospital. Accordingly, a status report be filed in this regard.

35. As a substantial amount of expenditure of more than Rs. 550 Crore has already been made in this project, the said hospital ought to be completed at the earliest so that it can be made operational.

36. Thus, a status report in this regard shall be filed by the next date of hearing.

37. In addition to the status reports as directed above, let the eight terms of references, as contained in the Dr. S.K. Sarin Committee Report be also responded to by the GNCTD, by the next date of hearing.

38. List on 13th February, 2026.

PRATHIBA M. SINGH
JUDGE

MANMEET PRITAM SINGH ARORA
JUDGE

JANUARY 08, 2026

dj/ss