

Ajit Singh & Ors vs Union Of India & Anr on 23 February, 2021

Author: Prathiba M. Singh

Bench: Prathiba M. Singh

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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2669/2020 & CM APPL.3954/20

AJIT SINGH & ORS.

Through:

Mr. Ajit Singh &
Singh, Advocates

versus

UNION OF INDIA & ANR.

Through:

Mr. JPN Shahi, Ad
Rupinder, DGHS an
Bhatnagar, In-cha

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% 23.02.2021

1. This hearing has been done through video conferencing.
2. The Petitioners who are Central Government Health Scheme (hereinafter 'CGHS') beneficiaries have approached this Court raising two grievances:
 - i) That the medicines which are required by them as prescribed by the CGHS doctors are not being dispensed to them;
 - ii) That the medicines are being tampered with at the CGHS dispensary.
3. On the last date, the following order was passed:

"1. This hearing has been done through video conferencing.

2. Petitioner No.1 has appeared in person. It is his submission that despite the last order dated 11th March, 2020 the Petitioners are not being given any Digitally Signed By:DINESH SINGH NAYAL Signing Date:24.02.2021 17:19:42 medicines by the CGHS Dispensary No.75, Kalkaji-II, New Delhi.

3. Mr. Anil Soni, Id. CGSC, who is present in Court, is requested to accept notice in the petition and seek instructions on the following:

i. Whether the CGHS dispensary No.75, Kalkaji-II is operational and if so, whether the medicines can be disbursed to the Petitioners from there?

ii. If the said dispensary is not operational, is there an alternate CGHS dispensary where the Petitioners can obtain medicines from?

4. The submission of Petitioner No.1 is also that the medicines, which are being disbursed by the CGHS dispensary, are being tampered with. Mr. Anil Soni, Id. CGSC to also seek instructions in this regard.

5. List on 23rd February, 2021."

4. Mr. J.P.N. Shahi, Id. Counsel has appeared today along with Dr. Rupinder from the DGHS and Ms. Rashmi Bhatnagar who is In-charge of the Kalkaji CGHS dispensary. It is submitted on behalf of the Respondent that the Kalkaji dispensary is operational and that the Petitioner can approach the Kalkaji CGHS dispensary at any point of time for disbursement of the medicines. They assure the Court that the medicines would not be tampered with and would be genuine.

5. On behalf of the CGHS, it is further submitted that the medicines are never tampered with, however, in order to ensure that the medicines disbursed by the CGHS are not resold by the beneficiaries in the market, a small cut or nick is taken on the corner of the packaging so as to guard against misuse.

6. In view of the submissions made above, the Petitioner shall be Digitally Signed By: DINESH SINGH NAYAL Signing Date: 24.02.2021 17:19:42 dispensed the medicines from the CGHS dispensary, Kalkaji or any other CGHS dispensary across Delhi. The dispensation shall be in accordance with the applicable rules and the dispensary shall ensure that the same are dispensed in a timely manner.

7. If under the garb of making a small cut in the packaging, any medicine is tampered, the Petitioner is permitted to take photographs of the same and file an application before this Court.

8. The petition is disposed of with these observations. All pending applications are disposed of.

PRATHIBA M. SINGH, J.

FEBRUARY 23, 2021 Rahul/RC