

IN THE HIGH COURT OF DELHI AT NEW DELHI

(EXTRAORDINARY WRIT JURISDICTION)

WRIT PETITION (CIVIL) NO. OF 2020

**IN THE MATTER OF:**

GUFRANA KHATOON

PETITIONER

VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENTS

WITH

C.M. NO. OF 2020

APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY  
OF THE ORIGINALS OF ANNEXURES

AND

C.M. NO. OF 2020

APPLICATION FOR EXEMPTION FROM FILING ATTESTED /  
NOTARIZED COPIES OF AFFIDAVIT ALONG WITH AN  
UNDERTAKING TO PAY COURT FEE

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

ADVOCATE FOR THE PETITIONER:

**SUBHASH CHANDRAN K.R.**

435, NEW LAWYERS CHAMBERS, SUPREME COURT OF INDIA  
NEW DELHI – 110001, MOB. NO. 8882375011 / 8848594898

Email: [adv.subhashchandran@gmail.com](mailto:adv.subhashchandran@gmail.com)

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Through

Petitioner

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
 435, NEW LAWYERS CHAMBERS  
 SUPREME COURT OF INDIA  
 NEW DELHI – 110001  
 Mob. No. 8882375011

Place: New Delhi  
 Dated: 23.07.2020

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

**COURT FEE**

Through

Petitioner

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
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**IN THE HIGH COURT OF DELHI AT NEW DELHI****(EXTRAORDINARY WRIT JURISDICTION)****WRIT PETITION (CIVIL) NO.                      OF 2020****IN THE MATTER OF:**

GUFRANA KHATOON

PETITIONER

VERSUS

GOVT OF NCT OF DELHI &amp; ORS.

RESPONDENTS

**NOTICE OF MOTION**

To

1. GOVT. OF NCT OF DELHI  
THROUGH ITS SECRETARY,  
DEPARTMENT OF LABOUR  
5, SHAM NATH MARG,  
NEW DELHI-110054. RESPONDENT NO. 1
2. DEPARTMENT OF HEALTH & FAMILY WELFARE  
THROUGH ITS SECRETARY,  
9<sup>TH</sup> LEVEL, A-WING, IP EXTENSION  
DELHI SECRETARIAT, DELHI-110002. RESPONDENT NO. 2
3. DEPARTMENT OF LABOUR & EMPLOYMENT  
THROUGH ITS SECRETARY  
SHRAM SHAKTI BHAWAN  
NEW DELHI-110001. RESPONDENT NO. 3
4. MINISTRY OF HOME  
THROUGH ITS SECRETARY  
NORTH BLOCK, NEW DELHI-110001. RESPONDENT NO. 4
5. MINISTRY OF HEALTH & FAMILY WELFARE  
THROUGH ITS SECRETARY  
DEPT. OF HEALTH & FAMILY WELFARE  
NEW DELHI-110001. RESPONDENT NO. 5
6. HAMDARD INSTITUTE OF MEDICAL

SCIENCE & RESEARCH (HIMSR)  
THROUGH ITS DIRECTOR GENERAL  
HAMDARD NAGAR, DELHI – 110062.

RESPONDENT NO. 6

Sir,

Please find the enclosed herewith the copy of Writ Petition under Articles 226 of Constitution of India for the issue of a Writ of mandamus or any other Writ / order or direction to Respondents to

The said matter is likely to come up on 28.07.2020 or such other date is convenient to the Registry of the Hon'ble High Court.

Petitioner

Through

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

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VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENTS

**URGENT APPLICATION**

To,

The Registrar,  
High Court of Delhi,

Sir,

Will you be kindly treat this accompanying application as an urgent one  
in accordance with High Court Rules and Order.

The grounds of urgency as per the facts stated in the Petition.

Petitioner

Through

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(EXTRAORDINARY WRIT JURISDICTION)**  
**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

GUFRANA KHATOON

PETITIONER

VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENTS

**MEMO OF PARTIES**

**IN THE MATTER OF:**

GUFRANA KHATOON,

D/O. MD. MOKIM,

R/O. A-36, 3<sup>RD</sup> FLOOR, ABDUL FAZAL ENCLAVE,

JAMIA NAGAR, OKHLA,

NEW DELHI-110025.

PETITIONER

VERSUS

1. GOVT. OF NCT OF DELHI  
THROUGH ITS SECRETARY,  
DEPARTMENT OF LABOUR  
5, SHAM NATH MARG,  
NEW DELHI-110054. RESPONDENT NO. 1
  
2. DEPARTMENT OF HEALTH & FAMILY WELFARE  
THROUGH ITS SECRETARY,  
9<sup>TH</sup> LEVEL, A-WING, IP EXTENSION  
DELHI SECRETARIAT, DELHI-110002. RESPONDENT NO. 2
  
3. DEPARTMENT OF LABOUR & EMPLOYMENT  
THROUGH ITS SECRETARY  
SHRAM SHAKTI BHAWAN  
NEW DELHI-110001. RESPONDENT NO. 3
  
4. MINISTRY OF HOME  
THROUGH ITS SECRETARY  
NORTH BLOCK, NEW DELHI-110001. RESPONDENT NO. 4



5. MINISTRY OF HEALTH & FAMILY WELFARE  
THROUGH ITS SECRETARY  
DEPT. OF HEALTH & FAMILY WELFARE  
NEW DELHI-110001. RESPONDENT NO. 5
6. HAMDARD INSTITUTE OF MEDICAL  
SCIENCE & RESEARCH (HIMSR)  
THROUGH ITS DIRECTOR GENERAL  
HAMDARD NAGAR, DELHI – 110062. RESPONDENT NO. 6

Petitioner

Through

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

### SYNOPSIS

The Petitioner has been appointed as a staff nurse in HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) vide appointment order dated 16.05.2017. It is pertinent to mention that the said contractual appointment have been renewed time to time till 11.07.2020. On 11.07.2020 vide Office Order No. HIMSR/HR/N/EXT./2020-21/19 the the Head & Administration of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) terminated the service of 84 staff nurses including the Petitioner herein in arbitrary manner in the unprecedented pandemic time. It is pertinent to mention that the decision to terminate the aforementioned 84 nurses is clearly a retaliatory move against the health care staffers for having raised legitimate concerns in the context of Covid-19.

It is humbly submitted that the Petitioner herein and other terminated staff nurses demanded access to basic facilities like N-95 masks, sufficient numbers of Personal Protective Equipment (PPEs), better working hours, drinking water, free COVID-19 tests, adequate quarantine facilities for health care staffers during COVID-19 duty. It is pertinent to mention that while performing duty in Covid-19 ward, the Petitioner herein infected and tested positive for COVID-19 on 03.07.2020. The Petitioner was not provided free testing despite showing symptoms of COVID-19. In the termination order dated July 11, HAHC hospital administration stated that these nurses were being

relieved because of ‘absence from office without sanctioned leave and absent without intimation’. However, several of them were on duty till July 11 and the others were in quarantine.

The Dean of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) vide Office Order Diary No. 212 dated 02.07.2020 in view of the implemented Disaster Act (Ref: Gazette Notification No.F.51/DGHS/PH-IV/COVID-19/202-2015 of Govt. of NCT of Delhi dated 12.03.2020 and Govt. of India, Ministry of Home Affairs Office Order No. 40-3/2020-DM-I(A) dated 29.06.2020 issued a direction that, HAHC Hospital being declared as a COVID-19 hospital, all concerned health care workers including doctors and nurses are directed to refrain from sending applications for resignation / resignation notices or requesting leave without pay, citing personal reasons. Despite the said Office Order, the HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) terminated a large group of health care professionals only for raising legitimate concerns in the context of Covid-19.

The step taken by the hospital management to dismiss 84 nursing officers is arbitrary and clearly in violation of the Government directives. It is pertinent to mention that there are specific directives from both Central and State Government against termination of employees and reduction of wages during Covid-19 time. The Ministry of Labour and Employment, Govt. of India vide office order No. M-11011/08/2020 dated March 20, 2020 categorically directed



all employers association to not terminate employees, particularly casual or contractual workers from job or reduce their wages during the pandemic period. It is pertinent to mention that the Govt. Of NCT of Delhi Government had right at the time of outburst of Covid- 19 also issued advisories to all the public and private employers to refrain from laying off / dismissing its employees.

Health care workers are at the front line of the COVID-19 outbreak response and as such are exposed to hazards that put them at risk of infection. Hazards include pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, stigma, and physical and psychological violence etc. Therefore, the Hon'ble Supreme Court and different High Courts including this Hon'ble Court has time and again stood in support of the health care professionals and has given umpteen directions to the Governments to protect the interest of health care workers during these Covid-19 period.

The health and safety (physical / mental) of health care workers are of utmost importance because further shortage of health care workers would result in thousands of unattended COVID-19 patients, which will have serious repercussions including escalation of the present situation and resultant impact on the economy, medical facilities, potential deaths and loss of human resource. It is admitted fact that our health infrastructure is dangerously overstretched understaffed and under resourced. This pandemic is dangerously devouring the life of the citizen of the country at the extraordinary rapidity with extraordinary fatalities. It is respectfully submitted that dismissal of these nurses in this



pandemic time when the need of health care staffer is utmost needed, is a clear violation of the norms laid down by both the Central and State Government. It is pertinent to mention that the step taken to dismiss the 84 nursing officers without a one month notice is again a flagrant violation of the contract on the basis of which these dismissed nurses were hired by the HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) hospital management.

The Petitioner herein as well as other terminated nurses were represented by United Nurses Association (UNA) and the said Trade Union of Professional Nurses made representations to Chief Minister, Govt. of NCT of Delhi and State Labour Minister, Govt. of NCT of Delhi requesting their immediate intervention in this matter. Unfortunately, no action has been taken yet and being aggrieved by inaction of Respondents herein, the Petitioner urges kind indulgence of this Hon'ble Court to direct the Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) which is an accredited institution under the official Respondents herein, in accordance with law.

#### **LIST OF DATES**

17.06.2017	The Petitioner has been appointed as a staff nurse in HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) vide appointment order dated 16.05.2017.
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- 20.03.2020 The Ministry of Labour and Employment, Govt. of India vide office order No. M-11011/08/2020 dated March 20, 2020 categorically directed all employers association to not terminate employees, particularly casual or contractual workers from job or reduce their wages during the pandemic period.
- 12.03.2020 The Delhi Health and Family Welfare Department on March 12, 2020, has published the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 vide Gazette Notification No.F.51/DGHS/PH-IV/COVID-19/202-2015 of Govt. of NCT of Delhi dated 12.03.2020.
- 29.06.2020 Office Order No. 40-3/2020-DM-I(A) dated 29.06.2020 has been issued by Ministry of Home Affairs.
- 02.07.2020 The Dean of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) vide Office Order Diary No. 212 dated 02.07.2020 in view of the implemented Disaster Act (Ref: Gazette Notification No.F.51/DGHS/PH-IV/COVID- 19/202-2015 of Govt. of NCT of Delhi dated 12.03.2020 and Govt. of India, Ministry of Home Affairs Office Order No. 40-3/2020-DM-I(A) dated 29.06.2020 issued a direction that, HAHC Hospital being declared as a COVID-19 hospital, all concerned health care workers

including doctors and nurses are directed to refrain from sending applications for resignation / resignation notices or requesting leave without pay, citing personal reasons. Despite the said Office Order, the HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) terminated a large group of health care professionals only for raising legitimate concerns in the context of Covid-19.

03.07.2020 During duty in Covid-19 ward, the Petitioner herein infected and tested positive for COVID-19 on 03.07.2020. The Petitioner was not provided free testing despite showing symptoms of COVID-19.

July 1<sup>st</sup> Week Health care workers of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) demanded access to basic facilities like N-95 masks, sufficient numbers of Personal Protective Equipment (PPEs), better working hours, drinking water, free COVID-19 tests, adequate quarantine facilities for health care staffers during COVID-19 duty.

11.07.2020 Vide Office Order No. HIMSR/HR/N/EXT./2020-21/19 the Head & Administration of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research

(HIMSR) terminated the service of 84 staff nurses including the Petitioner herein in arbitrary manner in the unprecedented pandemic time. It is pertinent to mention that the decision to terminate the aforementioned 84 nurses is clearly a retaliatory move against the health care staffers for having raised legitimate concerns in the context of Covid-19.

13.07.2020 United Nurses Association, a registered trade union of professional nurses made representations to Chief Minister, Govt. of NCT of Delhi and State Labour Minister, Govt. of NCT of Delhi requesting their immediate intervention in this matter. Unfortunately, no action has been taken yet and being aggrieved by inaction of Respondents herein the Petitioner filing the instant Petition urging kind indulgence of this Hon'ble Court to direct the Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) which is an accredited institution under the official Respondents herein, in accordance with law.

23.07.2020 Hence this Writ Petition



**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**(EXTRAORDINARY WRIT JURISDICTION)**  
**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

GUFRANA KHATOON

PETITIONER

VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENT(S)

**WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF**  
**INDIA FOR ISSUING A WRIT OF MANDAMUS OR ANY OTHER**  
**WRIT / ORDER OR DIRECTION TO RESPONDENTS TO 1 TO 6**

TO,  
THE HON'BLE CHIEF JUSTICE  
AND HIS COMPANION JUDGES,  
OF DELHI HIGH COURT, AT NEW DELHI

THE HUMBLE PETITION OF  
THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. This writ petition is being filed by the petitioner to direct the Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).  
The Petitioner herein was working as Staff nurse on temporary basis with HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).

2. That the petitioners herein were appointed as Staff Nurse on Contractual basis in HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR), Delhi and she has been working in her said capacity since then. A true copy of the appointment letter bearing D. No. HIMSR/Admn./2017-77 dated 17.06.2017 issued by the Hamdard Institute of Medical Sciences & Research Jamia Hamdard, Hamdard Nagar, New Delhi is annexed herewith and marked as **ANNEXURE P-1**
3. That the Ministry of Labour and Employment, Govt. of India vide office order No. M-11011/08/2020 dated March 20, 2020 categorically directed all employers association to not terminate employees, particularly casual or contractual workers from job or reduce their wages during the pandemic period. A true copy of Government Order bearing D. O. No. M-11011/08/2020-Media dated 20.03.2020 issued by the Ministry of Labour and Employment, Shram Shakti Bhavan, New Delhi is annexed herewith and marked as **ANNEXURE P-2.**
4. That the Delhi Health and Family Welfare Department on March 12, 2020, has published the Delhi Epidemic Diseases, COVID – 19 Regulations, 2020 vide Gazette Notification No.F.51/DGHS/PH-IV/COVID-19/202-2015 of Govt. of NCT of Delhi dated 12.03.2020.
5. That the Dean of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) vide Office Order Diary No. 212

dated 02.07.2020 in view of the implemented Disaster Act (Ref: Gazette Notification No.F.51/DGHS/PH-IV/COVID-19/202-2015 of Govt. of NCT of Delhi dated 12.03.2020 and Govt. Of India, Ministry of Home Affairs Office Order No. 40-3/2020-DM-I(A) dated 29.06.2020 issued a direction that, HAH Hospital being declared as a COVID-19 hospital, all concerned health care workers including doctors and nurses are directed to refrain from sending applications for resignation / resignation notices or requesting leave without pay, citing personal reasons. Despite the said Office Order, the HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) terminated a large group of health care professionals only for raising legitimate concerns in the context of Covid-19. A true copy of Office Order bearing Diary No. 212 dated 02.07.2020 issued by Dean of Hamdard Institute of Medical Sciences & Research and Associated HAH Centenary Hospital, Guru Ravidas Marg, Hamdard Nagar, New Delhi is annexed herewith and marked as **ANNEXURE P-3**.

6. That during duty in Covid-19 ward, the Petitioner herein infected and tested positive for COVID-19 on 03.07.2020. The Petitioner was not provided free testing despite showing symptoms of COVID-19. A true copy of medical report of Petitioner issued by the Dr. Dangs Lab, New



Delhi dated 03.07.2020 is annexed herewith and marked as **ANNEXURE**

**P-4.**

7. That in the first week of July, the Health care workers of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) demanded access to basic facilities like N-95 masks, sufficient numbers of Personal Protective Equipment (PPEs), better working hours, drinking water, free COVID-19 tests, adequate quarantine facilities for health care staffers during COVID-19 duty.
8. That vide Office Order No. HIMSR/HR/N/EXT./2020-21/19 the Head & Administration of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) terminated the service of 84 staff nurses including the Petitioner herein in arbitrary manner in the unprecedented pandemic time. It is pertinent to mention that the decision to terminate the aforementioned 84 nurses is clearly a retaliatory move against the health care staffers for having raised legitimate concerns in the context of Covid-19. A true copy of Office Order bearing No. HIMSR/HR/N/EXT./2020-21/19 dated 11.07.2020 issued by the Head Finance & Administration of Hamdard Institute of Medical Sciences & Research and Associated HAH Centenary Hospital, Hamdard Nagar, New Delhi is annexed herewith and marked as **ANNEXURE P-5.**



9. That thereafter, United Nurses Association, a registered trade union of professional nurses made representations to Chief Minister, Govt. of NCT of Delhi and State Labour Minister, Govt. of NCT of Delhi requesting their immediate intervention in this matter. Unfortunately, no action has been taken yet and being aggrieved by inaction of Respondents herein the Petitioner filing the instant Petition urging kind indulgence of this Hon'ble Court to direct the Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) which is an accredited institution under the official Respondents herein, in accordance with law.

#### **GROUND**

- A. THAT the impugned action of Respondent No.6 is not only violative of Article 14 & 21 but also impair and impinges all other fundamental rights of the Petitioner and other terminated staff nurses of HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).
- B. THAT the inaction on the part of the Respondent No. 1 to 5 is illegal, and arbitrary, thus violating the fundamental rights of the Petitioner guaranteed under the Constitution of India.
- C. THAT the Ministry of Labour and Employment, Government of India, vide Office Order dated 20.03.2020, categorically directed all employers'

associations not to terminate employees, particularly casual or contractual workers from job or reduce their wages during the pandemic time.

- D. THAT the Petitioner herein and other terminated staff nurses demanded access to basic facilities like N-95 masks, sufficient numbers of Personal Protective Equipment (PPEs), better working hours, drinking water, free COVID-19 tests, adequate quarantine facilities for health care staffers during COVID-19 duty. It is pertinent to mention that while performing duty in Covid-19 ward, the Petitioner herein infected and tested positive for COVID-19 on 03.07.2020. The Petitioner was not provided free testing despite showing symptoms of COVID-19. the decision to terminate the aforementioned 84 nurses is clearly a retaliatory move against the health care staffers for having raised legitimate concerns in the context of Covid-19.
- E. That in the termination order dated July 11, HAHC hospital administration stated that these nurses were being relieved because of 'absence from office without sanctioned leave and absent without intimation'. However, several of them were on duty till July 11 and the others were in quarantine.
- F. THAT the arbitrary action on the part of Respondent No.6 Hospital to terminate 84 Staff nurses without prior notice and proper reason is in clear violation of the Government directives. It is also pertinent to note that the action of Respondent No.6 Hospital in terminating 84 Staff

nurses without one month notice is again a flagrant violation of the contract on the basis of which these dismissed nurses were appointed by Respondent No.6 Hospital management.

- G. THAT health care workers are at the front line of the COVID-19 outbreak response and as such are exposed to hazards that put them at risk of infection. Hazards include pathogen exposure, long working hours, psychological distress, fatigue, occupational burnout, stigma, and physical and psychological violence etc.
- H. THAT current evidence suggests that the virus that causes COVID-19 is transmitted between people through close contact and droplets. People most at risk of acquiring the disease are those who are in contact with or care for patients with COVID-19. This inevitably places health care workers at high risk of infection. Protecting health care workers should be paramount importance to the Respondents herein.
- I. THAT the health and safety of health care workers are of utmost importance because further shortage of health care workers would result in thousands of unattended COVID-19 patients, which would have serious repercussions with respect to economy, medical facilities, potential deaths and loss of human resource.
- J. THAT in this particular circumstance, a unanimously accepted belief is that the service of the health care workers are indispensable. It is the duty of the Respondents to give them every possible help and assistance they



direly need at this moment. Unfortunately, amid Covid-19 the following most common hardships being regularly faced by the health care workers in Delhi.

- (1) Non-availability of sufficient personal protective equipment(PPE) in numerous hospitals;
- (2) Non-availability of sufficient number of COVID-19 testing kits;
- (3) Sub-standard Personal Protection Equipments (PPE);
- (4) Lack of training on infection prevention and control (IPC)
- (5) Lack of basic facilities in isolation wards; Isolation precautions are not being followed by WHO norms;
- (6) Hourly disinfection is not being done in the wards;
- (7) Mental harassment in the nature of forced over-time followed by negligible transport facilities and deduction of salary on account of leaves;
- (8) Health care workers who are pregnant, lactating or immune compromised are being forced to work;
- (9) Lack of accommodation, food, transportation etc.
- (10) Lack of free medical support for the health care workers and their families.
- (11) Continuous breach of Government guidelines by private hospitals;



12. That the Petitioner has not filed any other similar petition before any other Court and the Hon'ble Supreme Court of India.

**PRAYER**

Thus, in the present facts and premise, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR) which is an accredited institution under the official Respondents herein, in accordance with law and/or;
- ii. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No.1 to 3 to formulate a COVID19 Management Protocol for addressing the serious concerns relating to imminent and extreme risks posed to the health and safety of health care workers in the State of NCT of Delhi and/or;
- iii. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No.1 to 3 to ensure that Covid-19 protection kits are made available to every single health care professional working in the corona isolation wards, or who work in close proximity of patients suspected to be infected with the virus; and/or;

- iv. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure the full and timely payment of salaries to the health care workers in the Private Hospitals and/or;
- v. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure that Private Hospitals are not charging or deducting salaries from Health care workers if they get infected Covid-19 while they are on duty and/or;
- vi. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure that all health care workers are trained on infection prevention and control (IPC), proper use and disposal of Personal Protection Equipment (PPE) etc; and/or;
- vii. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondents to ensure that adequate and standard nutritious meals, drinking water are provided to the health care workers working in the corona isolation wards;
- viii. Issue a writ/order/direction in the nature of mandamus or any other appropriate writ / order directing Respondent No. 4 & 5 to expand the scope of personal accident cover provided under the 'Pradhan Mantri Garib Kalyan Package Health Workers Fighting COVID-19' to include

all health care workers across sectors, including those recruited on ad-hoc basis; and

- ix. Pass any other order as this Hon'ble Court may deem fit and proper in the interest of justice.

**AND FOR WHICH ACT OF KINDNESS THE PETITIONER SHALL  
DUTY BOUND EVER PRAY.**

Through

Petitioner

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)  
WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

GUFRANA KHATOON

PETITIONER

VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENTS

**AFFIDAVIT**

I, Gufrana Khatoon, Aged about 31 Years, D/o. Md. Mokim, R/o A-36, 3<sup>rd</sup> Floor, Abdul Fazal Enclave, Jamia Nagar, Okhla, South Delhi 110025, Presently at Delhi, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner in the above mentioned matter and as such, I am well conversant with the facts and circumstances of the case.
2. That I have gone through the contents of the Writ Petition filed under Article 226 of the Constitution of India.
3. That the annexures filed along with this Writ Petition are true copies of their respective originals.
4. I say that the averments of facts stated herein above are to best of my knowledge and no part of it is false and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION**

I the above deponent affirm that the contents of Para 1 to 4 of this affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at New Delhi this the 17<sup>th</sup> day of July, 2020.

**DEPONENT**



HAMDARD INSTITUTE OF MEDICAL SCIENCES & RESEARCH  
JAMIA HAMDARD, HAMDARD NAGAR  
NEW DELHI - 110062

D. No HIMSR/ Admn. / 2017-77

Dated: 17.06.2017

**SUBJECT: APPOINTMENT AS STAFF NURSE ON CONTRACT BASIS IN  
HAH CENTENARY HOSPITAL OF HAMDARD INSTITUTE OF  
MEDICAL SCIENCES & RESEARCH (HIMSR)**

In continuation of Office Orders of even number dated 26<sup>th</sup> April, 2017, 8<sup>th</sup> May, 2017 and 26<sup>th</sup> May, 2017, the Director General, HIMSR is pleased to approve the starting salary of all the 33 Staff Nurses who have been found medically fit and joined duties from the date mentioned against their names and based on experience in Annexure I and II enclosed herewith in Hamdard Institute of Medical Sciences & Research and its Associated HAH Centenary Hospital for a period of one year. The terms and conditions of the appointment as under:

1. The salary will be all inclusive/ consolidated. On completion of continuous one year service, an increment of 5% of base salary of Rs 18,000 shall be paid in addition to salary already being/ to be drawn.
2. In addition to normal holidays, they will be entitled to 1 ½ days leave for each completed month of service.
3. There will be no encashment of leave on the expiry of appointment and leaves will be treated as lapsed if not availed during the period of contract.
4. The appointment shall be terminable on one month notice from either side or one month salary in lieu of notice period during the contract. However, in case of unauthorized absence, the competent authority may terminate the appointment without any notice and no amount will be paid in lieu of notice period.
5. The employees are required to be present in the department throughout the working hours and may be asked to perform duties beyond office hours and on holidays without any extra remuneration.
6. The conduct and activities of the employees should be in manner that promotes the aims and objectives of HIMSR, as set out in the Memorandum of Association and Rules and Regulations of HIMSR.



## ANNEXURE II

Pay fixation of Contractual Staff Nurses from the date of their joining by allowing them increment(s) @ 5% of base salary of Rs 18,000 based on their experience

(Amount in Rupees)

Sl. No	Name of the staff	Total Years of Experience	Date of Joining	Monthly Salary from the date of Joining
1.	Tabassum	1 Year	10.05.2017	18900
2.	Kavita Rawat	1 yr 1 month	17.05.2017	18900
3.	Iram Jahan	1 Yr 2 month	10.05.2017	18900
4.	Sana Shahid	1 Yr 3 month	24.05.2017	18900
5.	Ruchika	1 Yr 4 month	01.05.2017	18900
6.	Geena George	1 Yr 5 month	09.05.2017	18900
7.	Sugra	1 Yr 6 month	09.05.2017	18900
8.	Shabana	1 Yr 8 month	03.05.2017	18900
9.	Yogita	2 Yr 2 months	08.05.2017	19800
10.	Momina Khatoon	2 Yr 2 month	18.05.2017	19800
11.	Mubarak Ali	2 Yr 4 months	11.05.2017	19800
12.	Lalnurmawi	2 Yr 4 months	15.05.2017	19800
13.	Sanjay	3 Yrs	15.05.2017	20700
14.	Rukhsima Nasreen	3 Yr 2 months	03.05.2017	20700
15.	Gufrana Khatoon (D/o Mohd. Mokim)	3 Yr 2 months	16.05.2017	20700
16.	Km. Shaziya	3 Yr 3 months	05.05.2017	20700
17.	Anchal Katoch	3 Yrs 6 months	05.05.2017	20700
18.	Nisha K	4 Yrs 4 months	01.05.2017	21600
19.	*Reshudha M.R	10 Yrs	28.04.2017	22500

\*As recommended by Nursing Superintendent for incumbent having 5 years or more than 5 years experience

(Mushtaq A. Zargar)

Head Finance & Administration



## ANNEXURE I

Pay fixation of Contractual Staff Nurses from the date of their joining


(Amount in Rupees)

Sl. No	Name of the staff	Total Years of Experience	Date of joining	Monthly Salary from the date of joining
1.	Kalpana Kumar	Fresher	09.05.2017	18000
2.	Gufrana Khatoon (D/o Arshad Zama)	Fresher	13.05.2017	18000
3.	Rohan Choudhary	Fresher	15.05.2017	18000
4.	Sunil Kumar	Fresher	16.05.2017	18000
5.	Ms. Saba	Fresher	17.05.2017	18000
6.	Ms Jasmine Sydney	Fresher	17.05.2017	18000
7.	Ms. Garima	Fresher	22.05.2017	18000
8.	Ms Jyoti	Fresher	16.05.2017	18000
9.	Ms. Saviya Zaidi	Fresher	17.05.2017	18000
10.	Pappu Ram	Fresher	06.05.2017	18000
11.	Sagar Kumar	Fresher	09.05.2017	18000
12.	Umaruddin	7 Months	05.05.2017	18000
13.	Lalremslum	8 Months	15.05.2017	18000
14.	Chandni Bano	9 Months	09.05.2017	18000

(Mushtaq A. Zargar)  
Head Finance & Administration



7. If the particulars furnished by the appointee to this post are false and deficient, the management shall be well within its rights, to terminate the services straightway, apart from any other legal action deemed necessary as per law of the land.
8. The above terms and conditions are only illustrative and not exhaustive. The terms and conditions may vary them as per exigencies of work.

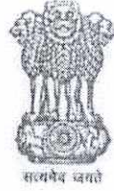
  
(Mushtaq A. Zargar)  
Head Finance & Administration

All Individual Nurses  
(As per list)

Copy for information to:

1. Dean/Principal, HIMSR
2. Medical Supdt., HAHC Hospital
3. Nursing Supt., HAHC Hospital
4. Finance Division, HIMSR
5. P.S. to D.G. HIMSR
6. P.A to Head F&A
7. Personal file/ Guard File





हीरालाल सामरिया, आई०ए०एस०  
भारत सरकार के सचिव  
HEERALAL SAMARIYA, I.A.S.  
Secretary to Govt. of India

MINISTRY OF LABOUR & EMPLOYMENT  
SHRAM SHAKTI BHAVAN  
NEW DELHI - 110001

श्रम एवं रोजगार मंत्रालय  
श्रम शक्ति भवन  
नई दिल्ली-110001  
Tele : 91-11-23 71 02 65  
Fax : 91-11-23 35 56 79  
E-mail : secy-labour@nic.in

**D.O. No. M-11011/08/2020-Media**

**March 20, 2020**

Dear Chief Secretaries,

The World is facing a catastrophic situation due to outbreak of COVID-19 and in order to combat this challenge, coordinated joint efforts of all Sections of the Society is required. In view of the above, there may be incidence that employee's/worker's services are dispensed with on this pretext or the employee/worker are forced to go on leave without wage/salaries."

In the backdrop of such challenging situation, all the Employers of Public/Private Establishments may be advised to extend their coordination by not terminating their employees, particularly casual or contractual workers from job or reduce their wages. If any worker takes leave, he should be deemed to be on duty without any consequential deduction in wages for this period. Further, if the place of employment is to be made non-operational due to COVID-19, the employees of such unit will be deemed to be on duty.

The termination of employee from the job or reduction in wages in this scenario would further deepen the crises and will not only weaken the financial condition of the employee but also hamper their morale to combat their fight with this epidemic. In view of this, you are requested to issue necessary Advisory to the Employers/Owners of all the establishments in the State.

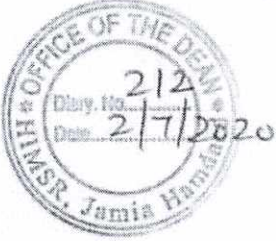
With regards,

Yours sincerely,

**All Chief Secretaries of States/UTs  
(As per list attached)**

(Heeralal Samariya)  
20/3/2020

**HAMDARD INSTITUTE OF MEDICAL SCIENCES & RESEARCH  
AND ASSOCIATED HAH CENTENARY HOSPITAL  
GURU RAVIDAS MARG, HAMDARD NAGAR  
NEW DELHI-110062**



Date: 02.07.2020

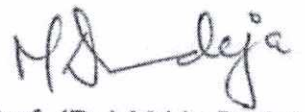
**OFFICE ORDER**

In view of the implemented Disaster Act (Reference: Gazette Notification No. F.51/DGHS/PH-IV/COVID-19/202-2015 of Government of National Capital Territory of Delhi dated 12.03.2020 and Government of India, Ministry of Home Affairs Office Order No. 40-3/2020-DM-I(A) dated 29.06.2020) due to ongoing COVID 19 pandemic and HAHCH hospital being declared a COVID hospital, all concerned health care workers including doctors and nurses are here by directed to refrain from sending applications for resignation/ resignation notices or requesting leave without pay, citing personal reasons.

Considering COVID 19 outbreak situation as a national emergency such requests will not be acceded.

In view of the above mentioned situation, the term period of all residents both senior and junior residents, who are completing their term within next three months is extended further till September 30<sup>th</sup>, 2020. Hence, no request for relieving after completion of their terms till September 30<sup>th</sup>, 2020 will be entertained.

This is for information of all concerned and strict compliance.

  
Prof. (Dr.) Mridu Dudeja  
Dean/HIMS

**Copy to:**

1. Medical Superintendent, HAHCH
2. Additional Medical Superintendent, HAHCH
3. Head Finance & Administration
4. All HODs
5. Nursing Superintendent, HAHCH
6. PS to DG- for information please.





<b>Sample Collection Date</b>	03-07-2020 14:52	<b>DDL Center</b>	Dr.Dangs Lab
<b>Lab Ref. No.</b>	200053970	<b>Age / Sex</b>	26 Years / FEMALE
<b>Name</b>	MS. GUFRANA KHATOON HAHC/9599744925 /EXT	<b>Ref. Centre</b>	HAHC/CASH

<b>Test (Methodology)</b>	<b>Result</b>	<b>Biological Reference Interval</b>
---------------------------	---------------	--------------------------------------

### MOLECULAR BIOLOGY

#### \*COVID-19 VIRUS QUALITATIVE RTPCR

SPECIMEN TYPE

Nasopharyngeal and Oropharyngeal swab

Screening Gene

**POSITIVE**

Confirmatory Gene

**POSITIVE**

INTERPRETATION

The specimen tested is POSITIVE for COVID-19 Virus

TEST KIT

TRUPCR SARS-CoV-2 RT-PCR

Note:

1. THIS IS AN ICMR-NIV PUNE VALIDATED ASSAY.

2. The SARS-CoV-2(COVID-19 virus) primer and probe sets as per the ICMR-NIV approved assay kit, are designed for specific detection of SARS-CoV-2 (COVID-19 viral) RNA using a screening gene and a confirmatory gene.

3. CLINICAL CORRELATION IS MANDATORY.

4. Interpretation Guidance:

a. Testing of referred clinical specimens was considered on the basis of request/referral received from a consulting physician/State Surveillance officer (SSO)/ concerned State Integrated Surveillance Program/any health care facility affirming requirements of the case definition/s.

b. A single negative test result does not exclude SARS-CoV-2 infection in symptomatic individuals/persons under investigation with high clinical suspicion as per latest ICMR guidelines. Presence of insufficient viral load, inhibitors and mutations are known to influence results. Repeat sampling and testing is strongly recommended in such cases. Lower respiratory tract samples are appropriate especially in severe and progressive lung disease.

5. Dr Dangs Lab LLP will be sharing all reports with defined Government authorities as per the guidelines of Government of India/ICMR.

6. Reports shall only be interpreted by your referring Doctor.

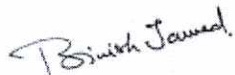
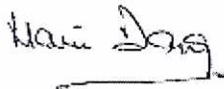
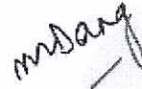
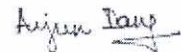
ICMR NO. DANGS001

TEST METHODOLOGY: REAL TIME PCR

**\*\* End of MOLECULAR BIOLOGY Report \*\***

**Sample Collection Date** 03-07-2020 14:52  
**Lab Ref. No.** 200053970  
**Name** MS. GUFRANA KHATOON  
HAHC/9599744925 /EXT

**DDL Center** Dr.Dangs Lab  
**Age / Sex** 26 Years / FEMALE  
**Ref. Centre** HAHC/CASH

**Test (Methodology)**
**Result**
**Biological Reference Interval**





DR. BINISH JAWED  
 Ph.D. (Biotechnology)  
 (Authorised Signatory)

PROF (DR) NAVIN DANG  
 M.D.  
 (Director)

DR. MANAVI DANG  
 M.D. (PATHOLOGY)  
 (Associate Director)

DR. ARJUN DANG  
 M.D. (PATHOLOGY)  
 (Authorised Signatory)

**Please Check for Proper Collection of the Sample**

Authentication : 03-07-2020 19:21  
 Printed on : 03-07-2020 20:11





## CONDITIONS OF REPORTING

- ▶ In case of alarming or unexpected test results you are advised to contact the laboratory immediately for further discussions and action. Laboratory results are meant to be correlated with the patient's clinical history.
- ▶ The report will carry the name and age provided at the time of registration.
- ▶ Reporting of tests will be as per defined laboratory turn around time for each test. The same will be informed to the patient during first point of contact i.e. registration or phlebotomy as the case may be.
- ▶ Test results & reference ranges vary depending on the technology and methodology used.
- ▶ Rarely a second sample may be requested for an indeterminate result or any other pre-analytical / analytical reason. Tests not under the scope of NABL accreditation have been highlighted with an asterix (\*).
- ▶ Reports can be received either as a hard copy or an email on your personal ID. Reports can also be delivered via courier. Payments can be made online on our website. Only reports with no pending payments are mailed, uploaded or dispatched.
- ▶ Reports can also be accessed via Dr. Dangs lab website or through the Dr. Dangs mobile application on IOS and android using the unique id and password provided to you during registration or received by you via SMS.
- ▶ Home collection sample facility is provided with prior appointment. Request for same to be given on 999 999 2020, booked online on [www.drdangslab.com](http://www.drdangslab.com) or through the Dr. Dangs mobile application on IOS and android.
- ▶ A digital invoice for tests performed is available on our website and can be accessed by using the unique I.D. and password provided.
- ▶ To maintain confidentiality, certain reports may not be mailed at the discretion of the management.
- ▶ In case of any queries pertaining to your test results or to provide feedback/suggestions please call us on 01145004200, 01126868929 or mail us at [info@drdangslab.com](mailto:info@drdangslab.com).
- ▶ 48 hour notice is be required for the issuing of slides and blocks.
- ▶ Test results are not valid for medico legal purposes.
- ▶ The courts (forums) at Delhi shall have exclusive jurisdiction in all disputes/claims concerning the tests and/or results of the tests.



**HAMDARD INSTITUTE OF MEDICAL SCIENCES & RESEARCH  
AND ASSOCIATED HAH CENTENARY HOSPITAL  
HAMDARD NAGAR, NEW DELHI - 110062**

No. HIMSR/HR/N/ EXT/ 2020-21/19

Dated : 11<sup>th</sup> July, 2020

**OFFICE ORDER**

**Subject :** Extension in the contract of Staff Nurses in HAHCH Hospital

Extension in the contract of 84 Staff Nurses was due between Feb.2020 till 10<sup>th</sup> July 2020. The cases could not be processed due to prevalence of Covid-19 pandemic. The cases with regard to their regular attendance, absence from office due to sanctioned leave and those who have been absent without intimation / approval were put up. The Competent Authority has approved the extension in the contractual appointment for all the 84 nurses as per list enclosed in Annexure till 10<sup>th</sup> July 2020 only. All these nurses therefore stand relived from 11<sup>th</sup> July 2020.

HIMSR / HAHCH may go in for Walk in Interview sometimes shortly. Those nurses who wish to seek fresh appointment can participate in the interview as per advertisement appearing in HIMSR Website [www.himsr.co.in](http://www.himsr.co.in) and prescribed guidelines.

MS, AMS, NS  
All Concerned Nurses

Copy to :

1. Dean HIMSR
2. Finance Division
3. Personal File / Guard File
4. PS to CEO

(Mushtaq A. Zargar)  
Head Finance & Administration





ANNEXURE

SL. NO	NAME	EMP ID	Effective Date of Extension
1.	Ms Saltanat	3413	02.03.2020
2.	Ms. Rukhsar Siddique	2199	05.02.2020
3.	NISHI. P	3160	07.02.2020
4.	Ms Ruhi Parveen	3136	16.02.2020
5.	BUSHRA SADAF	2598	25.02.2020
6.	POOJA RANI	2585	25.02.2020
7.	Ms. Shahin	2734	27.02.2020
8.	Asma Choudhary	1511	01.03.2020
9.	Ms. Juhi Jasmine	2571	01.03.2020
10.	Mr. Mohd. Sajid Qureshi	2577	01.03.2020
11.	Ms Ankita	3412	02.03.2020
12.	Ms Vandana	3421	02.03.2020
13.	Ms. Saba Khan	2087	03.03.2020
14.	Ms Nirmala Kumari	2553	03.03.2020
15.	Ms. Nasreen	2568	03.03.2020
16.	Sana Parveen	3392	05.03.2020
17.	Mr. Danish	3425	05.03.2020
18.	Ms Sameena	3400	05.03.2020
19.	Mohd. Mosin	3391	05.03.2020
20.	Mr. Saddam Hussain	3422	05.03.2020
21.	Razia Bano	3409	05.03.2020
22.	Surbhi	3411	05.03.2020
23.	Aruna Jasmine	3406	05.03.2020
24.	Mr. Tahir Ali Khan	3396	05.03.2020
25.	Mohd. Naeem	3414	05.03.2020
26.	Ms Prema Tete	3393	05.03.2020
27.	Mohd Mohsin	3391	05.03.2020
28.	Josna Joshy Kozhipatt	3397	05.03.2020
29.	Mohd. Zunaid Chaudhary	3417	05.03.2020
30.	Ms Manisha Singhal	3426	06.03.2020
31.	Ms Anjum	3428	08.03.2020
32.	Shaily	3429	11.03.2020
33.	Sonia Masih	3420	11.03.2020
34.	Shweta Gehlot	3408	11.03.2020
35.	Ms Komal	3404	11.03.2020
36.	Ms Sweta Gahlot	3408	11.03.2020
37.	Ms Umra Khan	3402	11.03.2020
38.	Sheron Das	3423	11.03.2020
39.	RUTBA	3416	11.03.2020
40.	Ms Sajda	3410	12.03.2020
41.	Ms. Munnawar Sultana	1729	12.03.2020



SL. NO	NAME	EMP ID	Effective Date of Extension
42.	Bherulal	3424	12.03.2020
43	Kunglianmawi	3415	25.03.2020
44.	Avesh Khan	3398	26.03.2020
45.	NAZMA	2100	01.04.2020
46	Ms. Shama Parveen	3008	25.04.2020
47	N.Ngailiang	3188	27.04.2020
48	Resudha M. R.	2559	28.04.2020
49	PIKESH	3017	30.04.2020
50	Mr. Saddam Hussain	3018	30.04.2020
51	Gangadhar Saini	3016	30.04.2020
52	Mr. Younis Khan	3030	01.05.2020
53	Ms. Sahiba Khatoon	3026	01.05.2020
54	Nayyum Ali	3038	01.05.2020
55	Ms. Gudiya Parveen	3033	01.05.2020
56	Mr. Rahul Kumar	3043	02.05.2020
57	Ms. Rukshima Nusreen	2872	03.05.2020
58	Abdul Majid	3051	06.05.2020
59	Mohd Aasif	3053	06.05.2020
60	Mr. Arbaz	3052	06.05.2020
61	Ms. Jyoti-2	3059	06.05.2020
62	Mubarak Ali	3050	06.05.2020
63	Mr. Sabir Ali	3071	07.05.2020
64	Ms Iqra Abrar	3197	07.05.2020
65	Ms Warisha Nida	3198	08.05.2020
66	SAGAR KUMAR	2856	09.05.2020
67	Ms Iram Jahan	2886	10.05.2020
68	Ms. Sana Khanam	3074	10.05.2020
69	Rohan Choudhary	2854	14.05.2020
70	Ms Daraksha	3190	15.05.2020
71	Ms. Lalnunmawi	2873	15.05.2020
72	Ms. Lalremsiam	2876	15.05.2020
73	Ms. Gufrana Khatoon	2954	15.05.2020
74	JYOTI CHOUDHARY	2914	16.05.2020
75	Ms. Saba Khan	2874	17.05.2020
76	Ms Momina	2858	18.05.2020
77	Ms. Anjali-2	3076	24.05.2020
78	SANA SHAHID	2871	24.05.2020
79	Mr. Amit Kumar	3078	24.05.2020
80	Ms Sherin T.Joy	2491	28.05.2020
81	Priyanka	3081	31.05.2020
82	Ms Anjum Jahan Shaikh	2588	31.05.2020
83	SHAHNAJ	2771	05.06.2020
84	Jamdiakdik	1916	10.07.2020





**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)**

**C.M. NO.                      OF 2020**

**IN**

**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

**GUFRANA KHATOON**

**PETITIONER**

**VERSUS**

**GOVT OF NCT OF DELHI & ORS.**

**RESPONDENTS**

**APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY  
OF THE ORIGINALS OF ANNEXURES**

TO,  
THE HON'BLE CHIEF JUSTICE OF DELHI  
AND HIS COMPANION JUSTICE OR THE  
HON'BLE DELHI HIGH COURT

THE HUMBLE PETITION OF THE  
APPLICANT/PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. This writ petition is being filed by the petitioner to direct the Respondents to take appropriate action against Respondent No.6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR). The Petitioner herein was working as Staff nurse on temporary basis with HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).
2. That the facts of the case have been fully set out in the Writ Petition. It is submitted that the facts stated in the Writ Petition may be treated as part

of this Application and the same are not reproduced herein for the sake of brevity.

3. That the Petitioner is filing true copy of the Annexure P-1 to P- in the present petition, as the Petitioner do not have the certified copy of the same.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- (a) Exempt the Petitioner from filing the Certified copy of Annexure P-1 to P-5; and / or
- (b) Pass any other order(s) as this Hon'ble Court may deem fit and proper in the interest of justice.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

Through

Petitioner

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)**

**C.M. NO.                      OF 2020**

**IN**

**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

**GUFRANA KHATOON**

**PETITIONER**

**VERSUS**

**GOVT OF NCT OF DELHI & ORS.**

**RESPONDENTS**

**AFFIDAVIT**

I, Gufrana Khatoon, Aged about 31 Years, D/o. Md. Mokim, R/o A-36, 3<sup>rd</sup> Floor, Abdul Fazal Enclave, Jamia Nagar, Okhla, South Delhi 110025 , Presently at Delhi, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner / Applicant in the above mentioned matter and as such, I am well conversant with the facts and circumstances of the case.
2. That I have gone through the contents of the Application filed under Section 151 of the CPC.
3. I say that the averments of facts stated herein above are to best of my knowledge and no part of it is false and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION**

I the above deponent affirm that the contents of Para 1 to 3 of this affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at New Delhi this the 17<sup>th</sup> day of July, 2020.

**DEPONENT**

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)**

**C.M. NO.                      OF 2020**

**IN**

**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

**GUFRANA KHATOON**

**PETITIONER**

**VERSUS**

**GOVT OF NCT OF DELHI & ORS.**

**RESPONDENTS**

**APPLICATION FOR EXEMPTION FROM FILING ATTESTED /  
NOTARIZED COPIES OF AFFIDAVID ALONG WITH AN  
UNDERTAKING TO PAY COURT FEE**

TO,  
THE HON'BLE CHIEF JUSTICE OF DELHI  
AND HIS COMPANION JUSTICE OR THE  
HON'BLE DELHI HIGH COURT

THE HUMBLE PETITION OF THE  
APPLICANT ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. This writ petition is being filed by the petitioner to direct the Respondents to take appropriate action against Respondent No. 6, HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).  
The Petitioner herein was working as Staff nurse on temporary basis with HAH Centenary Hospital of Hamdard Institute of Medical Sciences & Research (HIMSR).
2. That for the sake of brevity, the facts and contents of the above titled Petition are not reproduced herein, and the Petitioner thus craves the



leave of this Hon'ble Court to consider the same as a part of the present application.

3. That pertinently, owing to the "Nation Lockdown", none of the notarizing / attesting officials are available due to which the Petitioner was rendered unable to attest/verify the accompanying Affidavit. Moreover, the Petitioner is well versed with the contents of the Petition and had duly verified the same, but solely due to non-availability of any notarizing / attesting agent because of the stringent lockdown, he could not attest the same.
4. That as soon as the lockdown expires, it is hereby undertaken that the Petitioner will expeditiously send the duly verified and attested copy of the Affidavit to Delhi and accordingly, the same will be placed on record as and when received. It is further undertake to pay the court fees / deficit court fees within 72 hours from the date of resumption of the regular functioning of this Hon'ble Court.
5. That the balance of convenience lies in favor of the Applicant.
6. That the instant application is made in bona fide and in the interest of justice.

#### **PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Allow the present application and kindly grant exemption to the Petitioner from filing Attested/Notarized Affidavit on record at present, and/or;
- b) Allow the present application and kindly grant permission to the Applicant to pay the court fees / deficit court fees within 72 hours from the date of resumption of the regular functioning of this Hon'ble Court.
- c) Pass any other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

Through

Petitioner

**SUBHASH CHANDRAN K.R.**  
**ADVOCATE FOR THE PETITIONER**  
435, NEW LAWYERS CHAMBERS  
SUPREME COURT OF INDIA  
NEW DELHI – 110001  
Mob. No. 8882375011

Place: New Delhi  
Dated: 23.07.2020

**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)**

**C.M. NO.                      OF 2020**

**IN**

**WRIT PETITION (CIVIL) NO.                      OF 2020**

**IN THE MATTER OF:**

**GUFRANA KHATOON**

**PETITIONER**

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**RESPONDENTS**

**AFFIDAVIT**

I, Gufrana Khatoon, Aged about 31 Years, D/o. Md. Mokim, R/o A-36, 3<sup>rd</sup> Floor, Abdul Fazal Enclave, Jamia Nagar, Okhla, South Delhi 110025 , Presently at Delhi, do hereby solemnly affirm and state as follows:

1. That I am the Petitioner / Applicant in the above mentioned matter and as such, I am well conversant with the facts and circumstances of the case.
2. That I have gone through the contents of the Application filed under Section 151 of the CPC.
3. I say that the averments of facts stated herein above are to best of my knowledge and no part of it is false and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION**

I the above deponent affirm that the contents of Para 1 to 3 of this affidavit are true and correct to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Verified at New Delhi this the 17<sup>th</sup> day of July, 2020.

**DEPONENT**



**IN THE HIGH COURT OF DELHI AT NEW DELHI  
(EXTRAORDINARY WRIT JURISDICTION)  
WRIT PETITION (CIVIL) NO. OF 2020**

**45**

**IN THE MATTER OF:**  
**GUFRANA KHATOON**

PETITIONER

VERSUS

GOVT OF NCT OF DELHI & ORS.

RESPONDENTS

KNOW ALL to whom these present shall come that I, Gufrana Khatoon, Aged about 31 Years, D/o. Md. Mokim, R/o A-36, 3<sup>rd</sup> Floor, Abdul Fazal Enclave, Jamia Nagar, Okhla, South Delhi 110025, do hereby solemnly affirm and declare as under:-

**MR. SUBHASH CHANDRAN K.R., ADVOCATE**

**435, Lawyers Chambers, Supreme Court of India, New Delhi-110001**  
**Mob. NO. 8882375011, Email: adv.subhashchandran@gmail.com**

(Herein after called the advocate/s) to be my/our Advocate in the above noted case authorizes him:-

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.

To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.

To file and take back documents, to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.

To take execution proceedings.

To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.

To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.

And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.

And I/We undertake that I/We or my/our duly authorized agent would appear in court on all hearings and will inform the Advocate for appearance when the case is called.

And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.

And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years or part thereof.

**IN WITNESS WHEREOF** I/We do hereunto set my/our hand to these presents the contents of which have been understood by me/us on this 17<sup>th</sup> day of July, 2020.

Accepted subject to the terms of the fees.

Advocate

Client

Client