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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 3rd May, 2023

+ **W.P.(C) 2604/2021 & CM APPL.1203/2023**

SUKHDEV SINGH Petitioner

Through: Mr. Tushar Bathija, Advocate.

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Chetan Sharma, ASG with Mr. Chiranjiv Kumar alongwith Mr. Mukesh Sachdeva and Mr. Sehaj Garg, Advocates for R-1, 3 & 4. Mr. Anurag Ahluwalia, CGSC. Mr Rishikesh Kumar, Advocate with Mr. Randhir Singh, Inspector

CORAM:
JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been done through hybrid mode.
2. This is an unfortunate case of a 23 year old boy, Mr. Tanvir Singh- the Petitioner's nephew (*hereinafter 'the deceased'*), who landed in India on 18th March, 2020 at Indira Gandhi International Airport, Delhi (*'IGI Airport'*) from Australia. However, thereafter an unfortunate series of events transpired leading to his death. The prayer in this case is for constitution of multi-level departmental enquiry to probe the case of death of Mr. Tanvir Singh.

3. Vide order dated 21st March 2023, the Court directed as follows:

"13. The Court is not convinced about the fact that the deceased, who was a young boy and who filled up his Self- Reporting Form at the IGI Airport just 3 hours before they were brought to the Respondent No.

3- Hospital, could have behaved in a manner as has been claimed by the Respondent No. 3- Hospital. Respondent No. 3- Hospital ought to have conducted an internal inquiry to come up and place the true facts. It is also not possible that no staff at the Safdarjung Hospital met the deceased, as in terms of the Status Report admittedly, admission formalities were going on.

14. Accordingly, in order to consider as to what directions need to be issued in this matter, the Respondent No. 3-Safdarjung Hospital is directed to file an additional status report of the Medical Superintendent giving the following details:

(1) How many passengers from the IGI Airport had arrived at the Respondent No. 3- Safdarjung Hospital on the said date i.e. 18th March 2020, along with their names and contact details. The Report shall also apprise of the status of the said passengers i.e. whether they were discharged or they were admitted and if so, when they were discharged.

(2) The names and contact details of other patients present in the COVID isolation ward on 18th March 2020, who may have interacted with the deceased.

(3) The names of the 2 Doctors, 1 Junior Resident, who was in PPE kit, 2 Nursing officers, 1 Safai Karamchari, 1 Multi-Task Worker ('MTW') and 1 guard, as per the Status Report dated 30th June 2021 who were present at the Central Nursing Station outside the isolation room where the deceased was brought.

(4) The Medical Superintendent shall conduct an internal inquiry and inform the Court, on which floor the COVID isolation ward was located, and how access to the roof was possible and the manner in which the deceased escaped to the roof.

(5) The Report shall also contain the basis of the statement made in the Status Report dated 30th June

2021, that the deceased had escaped quietly and reached the roof of the building and jumped from the roof.

15. *The Respondent No. 4- Airport Health Organization shall also file a further Status Report giving the details of the passengers, who had been shifted to the Respondent No. 3- Safdarjung Hospital on 18th March 2020 so that the same can be verified with the report to be filed by the Respondent No. 3- Safdarjung Hospital. Let both the reports be filed within 2 weeks.*

16. *The concerned SDM shall also produce the original Inquest Report on the next date of hearing.”*

4. Today, the report of the Respondent No. 3-Safdarjung Hospital dated 2nd May 2023 in terms of the previous order has been handed over to the Court. It has given the details of nine patients who were admitted along with the deceased upon their arrival at the IGI Airport. A perusal of the same shows that three individuals arrived from the United Kingdom, one from Japan, one from Paris (France), two from Australia including the deceased and two from Dubai. All these nine individuals were tested COVID-19 negative. The names and details of the patients and their contact details have been provided. The name and details of the staff who were in the COVID isolation ward has also been stated. On the manner in which the deceased must have accessed the roof and thereafter found dead, the Safdarjung Hospital has stated as under:

“4 – 5. That in response to the para 4-5, it is stated that a new strain of coronavirus (SARS-COV-2) appeared in Jan-Feb 2020 which prompted restrictions on traveling or requiring isolation/quarantine. A newly built Private ward Building block (in Zone 1 of SSB complex) having 192 beds, ICU, and OT complex was utilised as a

dedicated COVID isolation facility in Safdarjung Hospital. The patient diagnosed or suspected of SARS – COV2 were housed in various floors of the building with suspects being in isolation on the 6th, 7th and 8th floor of the building. As per the records, three (03) individuals were admitted at 8.45 pm of 18th March 2020 with Mr. Tanvir Singh being one of them on the 7th floor. The room nos. 701 to 711 were being used for isolation purposes. Odd number rooms were facing the front of the building. There is a staircase near room number 702 while the other staircase is near the main lobby/Nursing station area with lift bay directly opposite.

As per the records and discussion with security / nursing personnel, apparently, the deceased Mr. Tanvir arrived around 08.45 pm in room no. 706. While admission documentation formalities were being done which takes some time, he was seen by JR in PPE Kit who explained various procedures including testing as per the protocol and the importance of isolation. The mental condition of the deceased at that time cannot be commented.

These rooms (701- 711) were separated from the rest of the ward by a door with a guard placed outside. Due to paucity of guards, no guard is placed near the staircase closed to room no. 702 inside the isolation ward.

The connecting corridor of the private ward and rest of the Super speciality Block was also locked. It effectively means that the roof can only be accessed either through a staircase near Room no. 702 or that opposite lift bay outside the ward. The staircase near Room No. 702 was nearer and easily accessible. Possibility that the deceased may have gained access to the rooftop using the staircase for whatever reason cannot be ruled out.

The ground spot where the deceased was discovered could only be accessed through a fall from the roof. ”

5. The Petitioner submits that there are infirmities in the report filed by the Safdarjung Hospital. Mr. Abhimanyu Tewari, Ld. counsel for the Petitioner submits that the CCTV footage from the IGI Airport was not collected by the police, which ought to have been collected immediately when the death took place.

6. Heard. A perusal of the above report submitted by the Safdarjung Hospital which is signed by Senior CMO (SAG)-VMMC & Safdarjung Hospital shows that the main deficiency was that the access to the roof of the building was not manned or guarded by the Safdarjung Hospital. The deceased had free access to the staircase leading to the roof which then resulted in his death.

7. The Police has also conducted an investigation in the matter. In addition, the Respondent No. 2-Sub-Divisional Magistrate ('SDM') has also conducted an investigation. All the reports are on record. The death of the deceased who was a 23 year old boy who arrived from Australia is indeed unfortunate.

8. However, after perusing all the reports, it does not appear that there was any foul play. That is not to say that the staff at the Safdarjung Hospital could not have been more careful. They ought to have been more careful and monitored the patients at the COVID isolation ward. But considering the fact that this situation was coincident with the outbreak of the COVID-19 pandemic and a countrywide lockdown was announced in the last week of March, 2020, the Court is conscious of the level of panic that may have been prevalent in the hospitals, especially with regard to international travelers.

9. Further, this Court also takes note of the fact that the CCTV in the newly built Private ward Building block (in Zone 1 of SSB complex) was

not working. From the statement made by the Inspector Ranbir Singh, PS Safdarjung, it appears that the building in which the suspected COVID-19 patients were being kept was a new building, where, though the CCTV was installed, it was yet to be made operational. Further, it was under an extreme emergency that the said building was put to use to accommodate COVID-19 patients.

10. In the overall facts of this case, this Court is inclined to pass guidelines in respect of the following:

- **Firstly**, the manner in which the access to dangerous spots in hospitals ought to be properly guarded/manned. In this respect, CCTVs ought to be ensured to be working at all times.
- **Secondly**, compensation to the family of the deceased.

11. Respondent No. 3-Safdarjung Hospital is a Central Government hospital. Accordingly, notice is issued to Mr. Anurag Ahluwalia, Id. CGSC.

12. Mr. Chetan Sharma, Id. ASG, who is present in Court, is requested to appear in this matter.

13. An affidavit shall be filed as to the amount of compensation that can be awarded in this unfortunate case for the family of the deceased. Let an affidavit be filed within a period of six weeks.

14. List for hearing on 6th September, 2023. Ld. counsel for the Petitioner may file his submissions.

15. The report handed over by the Safdarjung Hospital is taken on record.

PRAITHIBA M. SINGH
JUDGE

MAY 3, 2023

Rahul/DN