

**NOTE FOR THE GOVERNING BODY**

**ITEM NO. GB-149/21**

**To consider mechanism for monitoring the court cases at  
AIIMS, New Delhi**

**(To be placed on the table)**

## NOTE FOR GOVERNING BODY

Item No. GB/ 149/21

**TO CONSIDER MECHANISM FOR MONITORING THE COURT CASES  
AT AIIMS, NEW DELHI**

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### 1. INTRODUCTION

This item has been introduced on the direction of the Ministry of Health & Family Welfare, vide letter No.C-18018/6/2013-ME-I dated 15<sup>th</sup> July, 2013 received on 16<sup>th</sup> July, 2013. It has been observed in the said communication that during the course of briefing in the above said matter before Ld. ASG on 03.07.2013, that proper records of the cases are not available with AIIMS implying thereby that there is no proper record keeping and system for monitoring of court cases in AIIMS, and the matter was examined in the Ministry and keeping in view the seriousness and gravity of the issue, decided for AIIMS to bring an agenda item clearly bringing out all important court cases and action taken/proposed, for consideration in GB meeting scheduled to be held on 19.07.2013.

### 2. ADMINISTRATIVE COMMENTS :

2.1 At present 177 court cases are pending in various Courts/Tribunal which mostly concern service matters, medical negligence, labour & consumer disputes. The details of the Court cases of AIIMS, New Delhi at Supreme Court of India, High Court of Delhi, Central Administrative Tribunal(CAT), and other courts are as under:

Supreme Court	High Court	Central Administrative Tribunal (CAT)	Other Court's Distt./Comm./ Labour & Consumer Form	Total
20	46	24	87	177

The Centre wise & court wise detail of the court cases as on 15.07.2013 are as under:

S. No.	Centre / Section	Supreme Court	High Court	Central Administrative Tribunal (CAT)	Other Court's Distt./Comm. / Labour & Consumer Form	Total
1.	Hospital	01	19	05	37	62
2.	Legal	02	08	18	19	47
3.	Dr. BRA, IRCH	Nil	Nil	Nil	01	01
4.	Dr. R.P.Centre	Nil	02	01	15	18
5.	C.N.Centre	03	03	Nil	04	10
6.	JPNATC	Nil	02	Nil	Nil	02
7.	Exam.Section	06	01	Nil	03	10
8.	Academic Section	01	06	Nil	Nil	07
9.	Engineering Service Deptt.	Nil	05	Nil	07	12
10.	Research Section	07	Nil	Nil	01	08
Total		20	46	24	87	177

2.2 To streamline the monitoring of pending court cases, a mechanism has been set up vide office order F. No. 41-102/2010 (242)- Legal dated 10.06.2013 issued with approval of Director, AIIMS (Annexure-I). Accordingly, the updated status of pending court cases is sought and monitored by Dy. Secretary and Administrative Officer (Legal) on every Monday of the week. Further, a weekly meeting is also held with the Standing Legal Counsel of AIIMS on every Thursday to review important court cases and expedite the required action on part of Institute. As part of this process, Standing Legal Counsel has also been requested to give update of the case, on the same day of hearing through E-mail.

2.3 Regarding, the specific case mentioned in the communication of Ministry of Health & Family Welfare dated 15<sup>th</sup> July, 2013, it is to be

mentioned that these cases were constituted in 2002 and last hearing had taken place in 2004. The matter has been considered by full bench (Constitutional Bench) on 02.09.2013 after a gap of 9 years. All the relevant records were duly supplied to the Ministry, Solicitor General of India and also to the Standing Legal Counsel of AIIMS, before and during the hearing of the case.

3. **APPROVAL SOUGHT**

The aforesaid proposal is placed before the Governing Body for information and further direction.

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No. F. 41-102/2010 (242)-Legal  
ALL INDIA INSTITUTE OF MEDICAL SCIENCES  
( LEGAL CELL )

Dated 10.06.2013

OFFICE ORDER

**Sub: Streamlining of the pending Court Cases of Institute - reg.**

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In pursuance of the meeting dated 02.05.2013 with the Standing Legal Counsel of AIIMS, Director, AIIMS is pleased to order the following:

1. To streamline the pending court case of the Institute, weekly meeting would be held on every Thursday (at 5.15 PM) in the Committee Room of Dy. Director (Admn.), AIIMS which would be attended by all the concerned Administrative Officer, Administrative Officer (Legal) and the Incharge of court case of the respective sections. It would be the duty of the concerned Administrative Officer to keep prepared the updated list of the court cases of their respective sections. The Legal Cell, AIIMS would maintain the overall data of the pending court cases. The concerned section would also try to ensure the personnel presence of some staff of that section on the date of hearing, as far as possible. On the part of SLC, AIIMS, it was agreed that he would give latest update of the case on the same day of hearing, through Email.
2. The SLC, AIIMS would also impart training to the Institute employees on basic legal procedures, from time to time.
3. While sending any case for legal opinion to the Standing Legal Counsel, it would be responsibility of concerned In-charge of the court cases to ensure that the documentation is complete in all respect and the issues on which legal opinion is being sought, is clearly drafted.
4. All the fresh court case, would be referred to Shri Mehmood Pracha, Standing Legal Counsel of AIIMS (As per order No. 35-1/96-Estt.Legal Cell dated 24.11.2009), after due consideration/discretion by the DD(A) or Director, AIIMS
5. If in any special case, it is required to engage any other counsel, other than SLC, AIIMS, then the approval for the same shall be solicited from Director, AIIMS.

This is being issued for compliance by all concerned.

*Sanjiv Chaturvedi*  
(S. CHATURVEDI)  
DY. SECRETARY &  
CHIEF VIGILANCE OFFICER

**Distribution :**

1. All Chief of Centres
2. Medical Superintendent, AIIMS
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5. Superintendent Engineer/CPO/CAO, AIIMS
6. All Sr. Admn.Officer/Admn. Officer/Asstt. Admn. Officer, AIIMS

**Copy to :**

1. The PPS to Director/Dy. Director (Admn.), AIIMS
2. Shri Mehmood Pracha, SLC, AIIMS,  
C-253, 2<sup>nd</sup> Floor, Defence Colony,  
New Delhi-110003

} for information.