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

+ W.P.(C) 3167/2023

COURT ON ITS OWN MOTION

..... Petitioner

Through:

versus

EMPLOYEES STATE INSURANCE CORPORATION AND ANR

..... Respondents

Through: Mr. Shlok Chandra, Standing Counsel for ESIC with Mr. Keshav Garg, Advocates for R-1, R-4 & R-5
Mr. Chetan Sharma, ASG with Mr. Ripudaman Bhardwaj, CGSC with Mr. Kushagra Kumar, GP, Mr. Amit Gupta, Mr. Kushagra Kumar, Mr. Saurabh Tripathi, Advocates
Mr. Santosh Kumar Tripathi, Standing Counsel for GNCTD with Mr. Arun Panwar, Mr. Tapesh Raghav, Ms. Mehak Rankawat, Mr. Kartik Sharma, Advocates
Mr. Tanveer Oberoi, Advocate for R-6/AIIMS

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

27.03.2023

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1. The present PIL has been registered based upon an email received by the Registrar General of this Court with a complaint of Ms. Ranjana addressed to Store-in-charge, IG ESI Hospital, Delhi stating that her child

aged 04 years, namely, [REDACTED] is suffering from “Horse Shoe Kidney” disorder since birth and is getting treatment from AIIMS Hospital. An Injection i.e. “Dexell Injection” is stated to be urgently required for her son’s treatment.

2. According to the complainant, she was referred to ESIC Dispensary, Nand Nagri by AIIMS, Hospital in order to obtain the ‘Dexell Injection’, which is required for her son’s treatment. However, ESIC dispensary referred her case again to AIIMS Hospital stating that the said Injection could not be purchased as it is not available in this country.

3. During the course of hearing today, an affidavit has been handed over on behalf of ESIC wherein it is stated as under:

“2. By way of background, it may be noted that Ms. Ranjana had written to the Hon’ble Delhi High Court expressing anguish over non providing of ‘Dexell injections’ for her [REDACTED] by ESIC dispensaries.

3. In this regard, the accurate details are sought to be put before this Hon’ble Court:

(a) The only reason why purchase of Dexell injections were refused was non-availability in India and it being an imported drug for which no substitute is also available in India pharmacopoeia.

(b) E-mail was sent to beneficiary on 04.07.2020 from ESIC Nand Nagri advising to kindly get the estimate of the medicine from AIIMS and submit the same for drawing an advance from ESIC’s DMD office for AIIMS. Till date the estimate of the injections have not been submitted by the beneficiary.”

4. Learned Counsel for ESIC very fairly submits that father of the child is still a beneficiary of the ESIC Scheme and the ESIC shall certainly be reimbursing the entire cost of the drug. He states that the said injection is not available in open market, therefore, the All India Institute of Medical Sciences may be directed to procure the injection and they will be reimbursing the entire cost of the drug. This course of action is also

acceptable to learned counsel appearing for AIIMS Hospital.

5. Accordingly, AIIMS Hospital is directed to take urgent steps to procure/import the injection that is required for treatment of the child/patient [REDACTED] (i.e. “Dexell injection”) and administer the same without delay. The AIIMS Hospital shall communicate the details of the expenditure/charges in this regard to ESIC D(M)D Office which shall reimburse the same to AIIMS Hospital.
6. The present petition stands disposed of, in the above terms.

SATISH CHANDRA SHARMA, CJ

SACHIN DATTA, J

MARCH 27, 2023/ssc