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

+ W.P.(C) 8445/2014

MOHD. KALIM

..... Petitioner

Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE

INSURANCE CORPORATON & ORS.

..... Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC

Mr. Sidharth Panda, Adv. for R-5.

Mr. Amit Mahajan, Advocate for
UOI.

Mr. Anuj Aggarwal, ASC, GNCTD

Ms.Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 6865/2015

DHARMENDER SINGH & ANR

..... Petitioners

Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE

INSURANCE CORPORATION & ORS

..... Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC

Mr. R.K. Gupta, Advocate with

Mr. A.K. Singh, Advocate for AIIMS.
Mr. Abhay Prakash Sahay and
Ms. J. Priyadarshini, Tiwari, Advocates
for UOI.
Mr. Anuj Aggarwal, ASC, GNCTD
Ms. Shyel Trehan, Amicus Curiae
Mr. R.K. Gupta with Mr. A.K. Singh,
Advocates for AIIMS.

AND

+ W.P.(C) 1493/2016 & CM APPL. 6500/2016

BABY NISAGRA AND ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms. Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION AND ORS Respondents
Through: Mr. Yakesh Anand with Mr. Nimit
Mathur, Advocates for ESIC
Ms. Shiva Lakshmi, CGSC with
Mr. Ruchir Ranjan Rai Advocates
for UOI with Mr. Luv Agarwal, Joint
Secretary, Min. Of Health & Family
Welfare.
Ms. Shyel Trehan, Amicus Curiae.

AND

+ W.P.(C) 1860/2016 & CM APPLs. 7986/2016, 40865-40866/2016

MASTER LALIT KUMAR AND ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Ashish Jha
and Ms. Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION AND ORS Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC.
Ms. Shiva Lakshmi, CGSC with
Mr.Ruchir Ranjan Rai Advocates
for UOI with Mr. Luv Agarwal, Joint
Secretary, Min. Of Health & Family
Welfare.
Ms. Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 2609/2016 & CM APPL. 11034/2016

MASTER VISHAL KUMAR (MINOR) AND ANR..... Petitioners
Through: Mr. Ashok Agarwal with Mr. Ashish Jha
and Ms.Slomita Rai, Advocates

versus

EMPLOYEES STATE
INSURANCE CORPORATION AND ORS Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Mr. R.K.Gupta with Mr.A.K.Singh,
Advocates for AIIMS.
Mr. Vivek Goyal, CGSC with
Mr. Santosh Kumar Pandey, GP for UOI
Mr. Anuj Aggarwal, ASC, GNCTD
Ms. Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 2945/2016

ANIL KUMAR Petitioner
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION & ORS Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Mr. Santosh Kr. Tripathi, Advocate
with Mr. Rizwan, Advocate for
GNCTD.
Mr. Rajshekhar Rao with Mr. Varun
Mishra, Advocates for Sanofi Genzyme.
Mr. R.K.Gupta with Mr.A.K.Singh,
Advocates for AIIMS.
Ms. Shyel Trehan, Amicus Curiae.

AND

+ W.P.(C) 4444/2016

KUMARI PRIYA AND ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION & ORS Respondents

Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC.
Mr. R.K.Gupta with Mr.A.K.Singh,
Advocates for AIIMS
Mr. Dev P. Bhardwaj, CGSC for UOI.
Mr. Sanjeev Uniyal, Adv. for R-2 and
R-3
Ms.Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 7730/2016 & CM APPL. 31910/2016

MASTER RUDRANSH VYAS (MINOR) & ANR..... Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION & ORS. Respondents
Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Ms. Shyel Trehan, Amicus Curiae.

AND

+ W.P.(C) 10554/2016

N. PAVAN & ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION & ORS Respondents
Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Mr. Sarfaraz Khan, Advocate for R-2
& R-3.
Ms.Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 11866/2016

MASTER DIXIT ANALAGI AND ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION AND ORS Respondents
Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Mr. Kavindra Gill, Adv. for R-2 & R-3.
Ms.Shyel Trehan, Amicus Curiae

AND

+ W.P.(C) 289/2017

MASTER T M KAVIAN (MINOR THR HIS
NATURAL FATHER) AND ANR Petitioners
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

EMPLOYEES STATE
INSURANCE CORPORATION AND ORS Respondents
Through: Mr.Yakesh Anand with Mr.Nimit
Mathur, Advocates for ESIC
Ms. Shiva Lakshmi, CGSC with
Mr.Ruchir Ranjan Rai Advocates
for UOI with Mr. Luv Agarwal, Joint
Secretary, Min. Of Health & Family
Welfare.
Ms. Shyel Trehan, Amicus Curiae.

AND

+ W.P.(C) 1935/2017 & CM APPL.8589/2017

SHIV KUMAR JHA Petitioner
Through: Mr. Ashok Agarwal with Mr. Khagesh
B. Jha and Ms.Slomita Rai, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Dev P. Bhardwaj, Advocate for
UOI.

Mr. Sanjay Verma, Advocate with
Mr. Naresh Sharma, Advocate for
respondent.

Mr. Satyakam, Advocate for GNCTD.

Ms. Shyel Trehan, Amicus Curiae.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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11.08.2017

In pursuance to the last order, Mr. Luv Aggarwal, the concerned Joint Secretary, Ministry of Health and Family Welfare, is personally present. He has made a presentation today with regard to the National Policy for Treatment of Rare Diseases. The presentation has been very helpful in understanding the intricate issues involved in the present batch of cases. This Court places on record its appreciation for the services rendered by Mr. Luv Aggarwal.

This Court is of the view that urgent steps need to be taken by the Ministry to make the National Policy functional at the ground level. This Court directs The Ministry of Health and Family Welfare to constitute the Inter-Ministerial Consultative Committee as well as a Central Level Technical-cum-Administrative Committee within a period of three weeks.

The Ministry is directed to file a status report on or before 30th November 2017.

The Delhi Government, in view of the already existing National Policy for Treatment of Rare Diseases, is also directed to follow up with the Government of India and submit a proposal for utilising the funds from the

available corpus and ensure that State Level Committee as envisaged is formed and treatment of patients commences at the earliest.

List the matters on 08th December, 2017.

CM Appl. 28402/2017 in W.P.(C) 6865/2015

CM Appl. 28145/2017 in W.P.(C) 2609/2016

Issue notice.

Mr. Yakesh Anand, learned counsel accepts notice on behalf of ESIC.

Mr. R.K. Gupta, learned counsel accepts notice on behalf of AIIMS.

They pray for and are permitted to file their reply affidavits within a period of four weeks.

Rejoinder affidavit, if any, be filed before the next date of hearing.

List on 08th December, 2017.

MANMOHAN, J

AUGUST 11, 2017

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