

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONTEMPT PETITION NO. 1267 OF OF 2023

IN

CIVIL APPEAL NO. 7175 OF 2021

XYZ

Petitioner(s)

VERSUS

COL. SANJAY NIJHAWAN & ORS.

Respondent(s)

O R D E R

1. Ms. Vanshaja Shukla, learned Amicus Curiae fairly states that insofar as the directions issued by this Court on 05.03.2024 are concerned, they are almost complied with. She, however, submits that insofar as the directions contained in paragraph 10 of the said order are concerned, the same have not been complied with. She submits that though the petitioner had visited the Base Hospital, Delhi Cant., New Delhi on two occasions, the amount of Rs.50,000/-, as directed by this Court, has not been released yet.

2. We find that, in view of the acrimony between the petitioner and the respondent-officers, it will

be in the interest of both the parties that the directions in paragraph 10 of order dated 05.03.2024 are modified. We are of the view that it will not be in the interest of either of the parties to get the medical treatment of petitioner done at the Base Hospital, Delhi Cant., New Delhi.

3. We notice that at the Jawaharlal Nehru Medical College, Ajmer (for short 'JLM'), the facilities are available for treating the ailment of the petitioner.

4. Shri Vikramjeet Banerjee, learned Additional Solicitor General appearing for the respondents submits that since the petitioner is Ex-Servicemen Contributory Health Scheme (for short 'ECHS') Card holder, he would be entitled for cashless treatment at JLM.

5. We further find that some amount needs to be paid to the petitioner in lieu of the directions issued by this Court in paragraph 10 of order dated 05.03.2024.

6. The estimated cost of treatment at JLM is

approximately Rs.30,000/- per year.

7. According to the medical experts, the life expectancy of the petitioner would be around 12 years.

8. In that view of the matter, we find that an additional compensation of Rs.5,00,000/- would subserve the ends of justice.

9. Accordingly, paragraph 10 of order dated 05.03.2024 is modified and it shall now read as under:

“Insofar as the medical treatment is concerned, the petitioner would be entitled to take the treatment at any Anti Retroviral Therapy Centre of his choice. An amount of Rs.5,00,000/- shall be paid by the respondents to the petitioner for meeting the expenses of the said treatment.”

10. The amount of Rs.5,00,000/- shall be paid by the respondents to the petitioner within a period of six weeks from today.

11. In view of the above, the contempt petition stands disposed of.

12. We place on record our appreciation for the

valuable assistance provided by Ms. Vanshaja Shukla, learned Amicus Curiae as well as Mr. Vikramjeet Banerjee, learned Additional Solicitor General.

13. Pending application(s), if any, stand(s) disposed of.

.....J
(B.R. GAVAI)

.....J
(K.V. VISWANATHAN)

New Delhi
October 01, 2024

ITEM NO.9

COURT NO.3

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 1267/2023 in C.A. No. 7175/2021

XYZ

Petitioner(s)

VERSUS

COL. SANJAY NIJHAWAN & ORS.

Respondent(s)

(IA No.238967/2023-PERMISSION TO APPEAR AND ARGUE IN PERSON Ms. Vanshaja Shukla, (A.C), IA No. 20482/2024 - EARLY HEARING APPLICATION AND IA No. 238967/2023 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 01-10-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Ms. Vanshaja Shukla, Advocate (A.C.)

Petitioner-in-person

For Respondent(s)

Mr. Vikramjeet Banerjee, A.S.G.
Mr. Nachiketa Joshi, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Mr. P V Yogeswaran, Adv.
Mr. Udai Khanna, Adv.
Mr. Rajan Kumar Chourasia, Adv.
Mr. Vishnu Shankar Jain, Adv.

Dr. N. Visakamurthy, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The contempt petition is disposed of in terms of the signed order.

2. Pending application(s), if any, stand(s) disposed of.

(DEEPAK SINGH)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
COURT MASTER (NSH)

[Signed order is placed on the file]