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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
*Date of decision: 14<sup>th</sup> December, 2022*

+ **W.P.(C) 5923/2021**

POOJA

..... Petitioner

Through: Mr Anand Prakash Sharma, Mr  
 Sandeep Sehgal and Mr Ashok Singh  
 Advs. (M 9810437386)

versus

STATE OF GNCT OF DELHI & ORS.

..... Respondents

Through: Mr. Santosh Kumar Tripathi, Standing  
 Counsel (Civil), GNCTD with Mr.  
 Arun Panwar, Mr. Tapesh Raghav &  
 Mr. Mahak Rankawat, Advocates.

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The Petitioner - Pooja is the young widow of Late Sh. Amit Kumar, Constable, Delhi Police who expired on 5th May, 2020 due to COVID-19. The Petitioner has filed the present petition with the following prayers:

*“(i) Issue an appropriate writ(s) in the nature of Mandamus to the respondents to release the ex-gratia amount as promised by them immediately and keep their word to the petitioner who is the wife of the deceased Sh Amit Kumar.*

*(ii) Issue such appropriate writ(s) as this court may deem fit and proper in the facts and circumstances of the case:*

*(iii) Pass such further or other order(s) as this court may deem fit and proper in the interest of justice.”*

3. The Petitioner has filed the present petition relying upon the cabinet decision dated 13th May, 2020. The said decision is as follows:

*“CABINET DECISION NO. 2835 DATED 13.03.2020*

***Subject: Cabinet Note regarding awarding compensation to family of employees who die of the disease while on COVID-19 duty.***

*Decision: The Council of Ministers considered the note of Minister (H&FW) and approved that any person including Doctor, Nurse, Paramedical Staff, Security/Sanitation staff of any other Govt. Officer/Official, including Police Office/Official, whether temporary or permanent employee or contractual, in Government or Private Sector, deployed for COVID-19 duties by Government of NCT of Delhi, if expires by contracting the disease during discharge of his/her duty, his/her family shall be paid an ex gratia amount of Rupees One Crore, posthumously.*

*The concerned Department/Agency, where the person was employed, will submit the case with their recommendations, enclosing the report of Death Audit Committee and report of Medical Superintendent/In-charge of the Hospital/Medical Institutions to Revenue Department, GNCTD for further processing for payment of the ex-gratia and same shall be put up to Minister (Health), through Minister (Revenue), for the approval of Hon<sup>ble</sup> Chief Minister. After approval of Hon<sup>ble</sup> Chief Minister ex-gratia amount will be paid by Revenue Department to bona fide beneficiary from Major Head 2235-60-200-62-00-50-other charges.”*

4. The present is a hard case where the Petitioner was expecting her child at the time when her husband, a young Delhi Police Constable passed away while he was posted at Deep Chand Bandhu Hospital, Delhi to ensure adherence to COVID-19 lockdown measures. It was in this background, this

Court vide order dated 18th August, 2022 had come to a *prima facie* conclusion to the following effect:

*“2. The Court has also taken note of the certificate which had been issued by the Deputy Commissioner of Police which had clearly and unequivocally recorded that the husband of the petitioner was, at the relevant time, posted to ensure adherence of COVID-19 lockdown measures in the area in and around Deep Chand Bandhu Hospital. The certificate issued by the Deputy Commissioner of Police further refers to the fact that the deceased constable appears to have contracted COVID-19 upon coming in contact with patients who were visiting or had been admitted in the aforesaid hospital.*

*3. As is evident from the Cabinet decision which has been referred to above, police personnel were also covered under the policy of grant of exgratia compensation. All that was required was for such claims establishing that the concerned police personnel had expired due to contracting the disease in the due discharge of their duties.*

*4. Prima facie, therefore, the stand as taken by the respondents would not sustain. Learned counsel appearing for the respondents prays for time to seek better instructions.”*

5. Ld. counsel for the Petitioner submits that the orders issued by the Chief Secretary, Delhi during the COVID-19 pandemic, exercising powers under the Disaster Management Act, 2005 required Delhi Police personnel to be posted for COVID-19 duty across Delhi. Thus, it cannot be argued by the Respondents that the Petitioner’s husband was not on COVID-19 duty. The Ld. Counsel for the Petitioner further relies upon the tweet issued by the Chief Minister of Delhi and the Lieutenant Governor of Delhi from official twitter

handles. The said tweets are extracted below:



6. Mr. Tripathi, Id. ASC submits that in the present case, as per the aforementioned cabinet decision dated 13th March 2020, a decision can be taken by the Minister of Health through the Minister of Revenue with the approval of the Chief Minister. Accordingly, he prays that the matter may be sent for consideration to the said Group of Ministers.

7. The present case requires an empathetic consideration. It is not in doubt that the Petitioner's husband - Sh. Amit Kumar had died during COVID-19 duty. The same is also confirmed by the office of the DCP (North-West), Ashok Vihar who has stated as under:

*“Subject – Reg. Grant of Ex. Gratia of Rs. 1 Crore to the family of Late Const. Amit Kumar, No. 2295/NW, expired on 05.05.2020 due to illness*

(COVID-19+).

Sir,

*With reference to your office letter nos. F.1(58)/Relief/Ex-gratia/2020/3247 dated 25.09.2020, on the subject cited above. I am to inform that the deceased Ct. Amit Kumar, No. 2295/NW, PIS No. 28107401 was performing field duty in PS Bharat Nagar, North West Dist. in addition to collator. During the period of lockdown police personnel performing duties like Naib Court, VB,, collator, etc. were deployed for ensuring the lockdown guidelines in P.S. Bharat Nagar areas of Containment Zone and around needed as he is bound to work 24x7. As per report of Dr. Lal Path Lab, Sector-18, Rohini Delhi, Late Ct. Amit Kumar, No 2296/NW was COVID-19+. patient during the course of his duty due to which he got infected and lost his life. Considering the above, the bereaved family of Late Ct. Amit Kumar, No. 2295/NW fully deserves the financial compensation of Rs 1 Crore announced by the government of NCT of Delhi. Hence, I strongly recommend for the grant of compensation of Rs. 1 Crore to the family of the deceased."*

8. Further, there is clear communication and messaging in the public domain *via* social media which leaves no manner of doubt that the *ex gratia* amount of Rs.1 Crore was announced for the Petitioner's Husband. The press clipping to the same effect has been placed on record. The said press clipping is as under:

## Arvind Kejriwal govt announces Rs 1 crore ex-gratia for Delhi Police constable who succumbed to COVID-19

*Delhi Police constable Amit Kumar died of coronavirus on Tuesday. He was posted at the Bharat Nagar Police Station in northwest Delhi.*

Written by [FE Online](#)

May 7, 2020 4:25:09 pm

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On Sunday, centre extended ongoing lockdown till May 31.

The Aam Aadmi Party government in Delhi has announced Rs 1 crore ex-gratia to the kin of Delhi Police constable Amit Kumar who died of COVID-19. In a tweet shared today afternoon, Chief Minister Arvind Kejriwal condoled the death of Kumar and said his family will be provided with an ex-gratia of Rs 1 crore.

9. The Respondents ought not to resile from the clear announcement made for ex-gratia payment. In view of the aforementioned facts and circumstances, the compensation due to the Petitioner can no longer be delayed.
10. Accordingly, let the matter be placed before the aforementioned Group of Ministers as per the cabinet decision dated 13<sup>th</sup> March 2020. The decision taken shall be placed on record by 15<sup>th</sup> January, 2023.
11. List this matter before Court on 2<sup>nd</sup> February, 2023.

**PRATHIBA M. SINGH, J**

**DECEMBER 14, 2022/Rahul/KJ**