

Court No. - 40

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Case :- WRIT - C No. - 28249 of 2021

Petitioner :- Kusum Lata Yadav

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Siddharth Khare, Sr. Advocate

Counsel for Respondent :- C.S.C., Tarun Agrawal

Hon'ble Ashwani Kumar Mishra, J.

Hon'ble Vikram D. Chauhan, J.

Clause 12 of the Government Order dated 1.6.2021 is assailed in this petition, primarily on the ground that object of Government Order is to compensate the family, which has lost its bread earner during panchayat elections due to Covid. It is contended that the respondents admit that the death of petitioner's husband was caused due to Covid but the payment is being denied only because of the ceiling contained in Clause 12, which restricts payment of compensation only if the death has occurred within 30 days. It is submitted that there is no justifiable reason to restrict the death to 30 days and it has often been observed that persons die even after 30 days of contracting Covid. It is contended that discretion must be extended to the competent authority to examine such issues and the ceiling of 30 days seems wholly irrational.

We direct the State Government to examine aforesaid contention, inasmuch as we are, prima facie, of the view that the restriction of death within 30 days of Covid, contained in Clause 12, does not appear to be based on any rational classification and the authorities may, therefore, re-visit the issue.

A counter affidavit would be filed in terms of the above observation by an officer not below the rank of Special Secretary, within six weeks. Rejoinder affidavit may be filed within a week, thereafter.

List on 17.2.2022.

Order Date :- 17.12.2021

Anil