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

Date of decision: 20th November, 2023

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W.P.(C) 5923/2021

POOJA

..... Petitioner

Through: Mr Anand Prakash Sharma, Adv.
(M. 9810437386)

versus

STATE OF GNCT OF DELHI & ORS.

..... Respondents

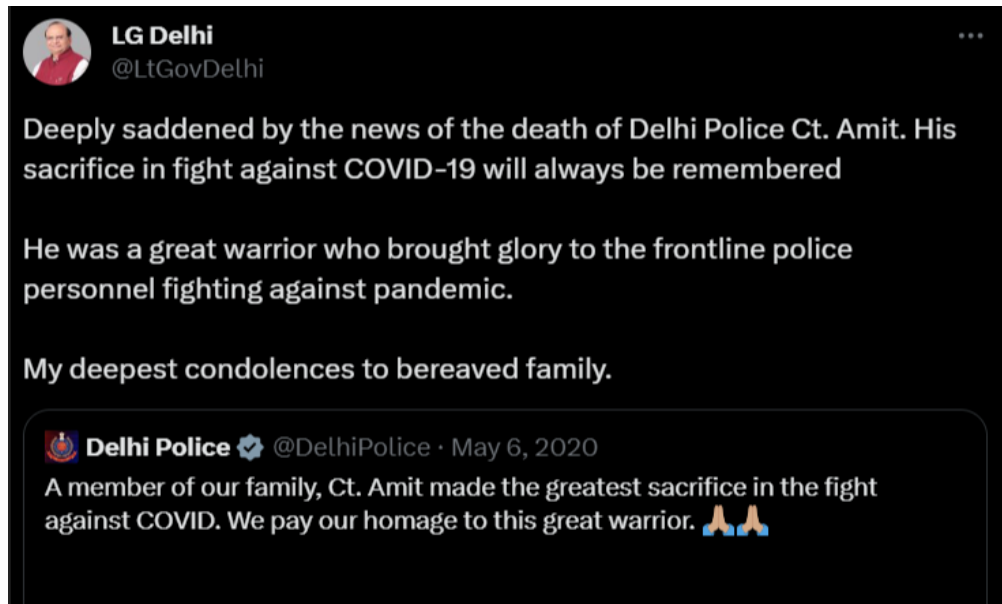
Through: Mr. Santosh Kumar Tripathi,
Standing Counsel (Civil), GNCTD
with Mr. Arun Panwar, Adv. (M.
7827545811)

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present writ petition has been filed on behalf of the Petitioner-Pooja who is the wife of late Constable Amit Kumar who died on account of COVID-19 on 5th May, 2020.
3. Vide Cabinet Decision No.2835 dated 13th May 2020, the GNCTD decided that if any person including doctors, nurses, paramedical staff, etc. who is deployed for COVID-19 duties, expires by contracting COVID-19 during discharge of the duties, their family shall be paid an *ex-gratia* amount of Rs. 1 crore.
4. Ld. Counsel for the Petitioner relied upon a tweet by the Hon'ble Chief Minister of Delhi wherein the Petitioner's husband's contribution during COVID-19 was noticed, and it was announced that his family would be given an *ex-gratia* amount of Rs.1 crore. The said tweet reads:



5. The Petitioner's case is that the said amount has not been given, even one year after the said tweet. Accordingly, the present petition was filed seeking a writ of mandamus directing the Respondents to release the aforesaid *ex gratia* amount of Rs.1 crore as promised by them.

6. Vide order dated 14th December 2022, it was directed as follows:

“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.

...

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. ...

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.

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 13th March 2020. The decision taken shall be placed on record by 15th January, 2023''

7. On 4th September 2023, ld. ASC submitted that the GoM meeting to consider grant of COVID-19 *ex-gratia* compensation was scheduled for 13th September 2023.

8. In the GoM dated 13th September, 2023, a decision was taken and the case of the Petitioner for *ex-gratia* payment was deferred. The said



recommendation reads as follows:

S. No.	Details of the Deceased	Brief facts	Recommendation of the Committee
1.	Name and designation of deceased	Constable Amit Kumar	As per directions of the Hon'ble High Court, the case of Late Constable Amit Kumar was placed before the Group of Ministers in the meeting. The Group of Ministers noted that it was mentioned by the Police Department that During the period of lockdown, he was deployed for ensuring the lockdown guidelines in exposed areas of Containment Zones and around Deep Chand Bandhu Hospital where a number of persons and patients of COVID-19+ were visiting, which were very high risk zones. However, no such documentary evidence/ specific order of such deployment was provided by the police department to ascertain the above mentioned contentions. In the absence of appropriate document,
	Department	Delhi Police	
	Place of Duty	PS Bharat Nagar, New Delhi District	
	Order regarding assignment of COVID related duties	<p>As per certificate issued by Dy. Commissioner of Police, North West District, "the deceased Ct. Amit Kumar, No. 2295/NW, PIS No 28107401 was performing field duty in PS Bharat Nagar, North West Distt. During the period of lockdown, he was deployed for ensuring the lockdown guidelines in exposed areas of Containment Zones and around Deep Chand Bandhu Hospital where a number of persons and patients of COVID-19+ were visiting, which were very high risk zones.</p> <p>The case was placed before the GoM in the meeting held on 13.01.2023 and clarification was sought from Delhi Police and reply was received from Delhi Police vide letter dated 07.03.2023 that, "it has been found that Const. Amit Kumar No. 2295/NW PIS No. 28107401 was performing field duty in PS Bharat Nagar, North-West Distt. in addition to collator. During the period of lockdown police personnel performing duties like Naib Court, 5B, Collator etc. were deployed for ensuring the lockdown guidelines in PS Bharat Nagar exposed areas of Containment Zones and around Deep Chand Bandhu Hospital. As such a police personal can be deployed where needed as he is bound to work 24X7.</p> <p>It is hereby clarified that the brief Incident Report was issued just to reveal that the deceased was on duty and was posted at PS Bharat Nagar, North-West District. However, the detailed certificate informing the clear picture was sent by DCP/NW</p>	



	about the deployment of late Const. Amit Kumar No. 2295/NW during the period of lockdown for ensuring the lockdown guidelines in exposed areas of Containment Zones and around Deep Chand Bandhu Hospital where a number of persons and patients of COVID-19 Positive were visiting. Hence, the financial compensation of Rs. 1 Crore may be sanctioned in favour of the family of Late Const. Amit Kumar No. 2295/NW.”	it was difficult for the GoM to decide the case of Late Constable Amit Kumar. Therefore, the GoM has directed that the police department may be requested to provide the contemporaneous general diary/departure report etc. in r/o Amit Kumar as a proof of deployment for ensuring the above contentions on or before 15.09.2023. After receipt of the same, the matter may be submitted to GoM for decision.
Last duty performed	05.05.2020	
Date of covid positive	05.05.2020	
Date of Death	05.05.2020	
Certification by the death audit committee	Certificate is given by Death Audit Committee.	

9. Vide order dated 21st September 2023, this Court noted that the Petitioner’s case has been repeatedly rejected and a final decision is not being taken.

10. Today, Id. Counsel for the GNCTD has placed on record the decision of the Delhi Cabinet dated 3rd November, 2023 as per which the *ex-gratia* payment for the Petitioner who is the wife as also for the father of the deceased has been approved in the following terms:

S. No.	Name of beneficiary & relation with the deceased	Amount
1.	Smt. Pooja (Wife)	Rs.60,00,000/-
2.	Sh. Baljit (Father)	Rs.40,00,000/-



11. In view of the fact that the Respondent No. 1-GNCTD has now agreed to release *ex gratia* payment, the prayer in the writ stands satisfied. The amount in terms of the Cabinet Decision dated 3rd November, 2023 shall now be released to the Petitioner and the father of the deceased within four weeks.

12. List for reporting compliance on 21st December, 2023.

13. The present petition, along with all pending applications, is accordingly disposed of.

PRATHIBA M. SINGH, J.

NOVEMBER 20, 2023

Rahul/dn