

Court No. - 3

Case :- WRIT - C No. - 7286 of 2022

Petitioner :- Manju Devi

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Home Civil Secrett. Lucknow And 7 Others

Counsel for Petitioner :- Satish Kumar, Jai Prakash Mishra

Counsel for Respondent :- C.S.C., Jaibind Singh Rathour, Rakesh Kumar Chaudhary

Hon'ble Vivek Chaudhary, J.

Hon'ble Manish Kumar, J.

Heard learned counsel for the petitioner and the learned Standing Counsel.

The present writ petition has been preferred for quashing of the decision dated 23.07.2022 taken by the opposite party nos.3 to 7, rejecting the claim of the petitioner for ex gratia payment to the petitioner on account of the demise of her husband due to Covid-19; ignoring the Government Order dated 26.08.2021 according to which the petitioner is entitled for the same.

Learned counsel for petitioner has submitted that the husband of the petitioner was appointed as Shiksha Mitra in a Primary School (Prathmik Vidyalaya), Chhota Kewtan, Sonawa, Block Pratappur Kamaicha, District Sultanpur. The husband of the petitioner was sent for training for Panchayati Raj Elections-2021 and his name was in the list of trained employees.

It is further submitted that husband of petitioner was called on 18.04.2021 for election duty and was kept in the reserve for election duty in the block. The husband of petitioner was taken ill and was admitted on 21.04.2021 in Ashadeep Hospital, Jaunpur, from where he was referred to the District Hospital, Jaunpur and due to the non-availability of bed, ultimately he was admitted in Kamla Hospital, Jaunpur where in the RTPCR test he was found to be Covid positive. The husband of petitioner

expired on 26.4.2021 while under treatment for Covid. The Nagar Palika Parishad, Jaunpur has issued a death certificate on 08.09.2021 with the remarks that the death was due to Covid-19.

The petitioner in pursuance of the Government Order dated 26.08.2021, which provides for ex gratia payment of compensation to those who expired during the election duty due to Covid-19, submitted her claim as the name of her husband was mentioned in the list at Serial No.1945.

Out attention has been drawn to Para-7 of the counter affidavit where a specific averment has been made relating to husband of petitioner recommending payment of ex-gratia amount of Rs.30.00 Lakhs to the wife of deceased employee.

On the other hand, learned State Counsel has submitted that in the meeting dated 23.7.2022, the claim of the husband of petitioner has been rejected by the Committee headed by the District Magistrate/District Election Officer on the ground that husband of petitioner was not sent for election duty hence the petitioner is not entitled for the ex gratia amount.

In reply to the same, learned counsel for petitioner has drawn the attention of this Court to Para-03, to the Government Order dated 26.08.2021 by which the State Government has enlarged the scope for ex- gratia payment on compassionate ground on demise of an employee due to Covid-19. The scope has been enlarged that if any employee dies due to Covid-19 during training/election/counting, the dependents/heirs of the deceased employee are entitled for the compensation. The impugned order has been passed without considering the Government Order dated 26.8.2021 and the claim has been rejected solely on the ground that husband of the petitioner was not sent for election duty.

After hearing learned counsel for parties and going through the records of the case, it is an undisputed fact that the husband of petitioner was sent for training for election duty and he was kept in the reserve list for election duty after the training,

however while considering the claim of petitioner for ex gratia payment, the Government Order dated 26.08.2021 has not been taken into consideration by which the scope of the definition has been enlarged and the persons who were sent for training have also been included for the benefit of payment of ex-gratia compensation to the heirs of the deceased employee.

In view of the discussion made hereinabove, the impugned order dated 23.07.2022 is hereby quashed.

The writ petition is **allowed**.

The matter is remanded to the respondent no.3/District Magistrate, Sultanpur for reconsideration the claim of the petitioner taking into consideration of the fact that husband of the petitioner was called for and was imparted training for the election duty and was included in the reserve list for election duty during which period he caught the infection and ultimately died of Covid. These facts shall be considered in the background of Para-3 of Government Order dated 26.08.2021 and a speaking and reasoned order shall be passed within a period of three months from the date a certified copy of this order along with the representation of petitioner is served upon the respondent no.3/District Magistrate, Sultanpur.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 6.11.2023

Arjun/-