

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3009 of 2021

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Kanchan Prabha, D/o Pradeep Kumar Singh, W/o Late Sanjay Kumar Mandal, then District Co-operative Officer, Khagaria, resident of Road No. 16, Near Ice factory, Krishnapuri, Ranchi-834001.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Patna.
3. The Additional Chief Secretary, Government of Bihar, Patna.
4. The Principal Secretary, Health Department, Government of Bihar, Patna.
5. The Director-in-Chief, Health Services, Government of Bihar, Patna.
6. The Divisional Commissioner, Munger.
7. The District Collector, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 21-06-2021

Heard Mr. Jagannath Singh, learned counsel for the petitioner and learned counsel for the respondents.

2. The widow has filed the present writ application with a prayer that the respondents may be directed to pay compensation, as her husband died due to Corona pandemic (Covid-19) on 23.07.2020.

3. The husband of the petitioner was working as District Co-operative Officer, Khagaria when he died.

4. Learned counsel for the respondents submits that the husband of the petitioner died before he was taken to hospital,



therefore, the petitioner is not entitled to payment of any compensation on account of death of her husband due to Covid-19.

5. Mr. Jagannath Singh, learned counsel for the petitioner taking the line of his submits that he is not placing the issue as to payment of compensation to the petitioner on account of death of her husband due to Covid-19, as he has to raise the issue in a separate proceeding.

6. So far as payment of death-cum-post retiral benefits is concerned, he submits that the husband of the petitioner died on 23.07.2020, but till date nothing has been paid to the petitioner, except G.P.F. amount.

7. In the aforesaid circumstance, the writ application is disposed of with a direction to the respondents to calculate the entire death-cum-post retiral dues of the husband of the petitioner and ensure payment of the same to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

8. So far as payment of compensation in terms of policy decision of the State of Bihar to the deceased family, who died due to Covid-19, is concerned, is to be agitated separately by the petitioner in appropriate proceeding.



9. In the event, death-cum-post retiral dues is not paid to the petitioner within the time frame indicated herein above, the petitioner shall be entitled to payment of interest at the rate of 9% per annum from the date of death of the husband of the petitioner till the date of actual payment.

10. With the aforesaid, the writ application stands allowed and disposed of in the manner indicated herein above.

11. It goes without saying that the respondents have to consider the case of the petitioner for appointment on compassionate ground in terms of the policy decision, as a social security measure.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
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