

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-11743-2021 (O&M)
Date of decision : 05.07.2021

Satpartap Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Harish Goyal, Advocate,
for the petitioners.

MAHABIR SINGH SINDHU, J.

Prayer in the instant petition filed under Articles 226/227 of the Constitution of India is for issuance of a writ in the nature of Mandamus directing the respondents to extend the benefit of Policy dated 08.05.2020 (P-1) to the petitioners for rendering services during Covid-19 pandemic.

Learned counsel contends that petitioners are working as Computer Teachers (Faculty) in the State of Punjab and have been rendering services for Covid-19 pandemic. Further contends that it is the apprehension of the petitioners that in case, some misfortune happens with the petitioners, then their family members be provided the benefit of abovesaid policy. Again contended that their co-employee, namely, Vikas Sharma (Computer Teacher), died in harness while performing duties during Covid-19 on 12.01.2021, but no ex-gratia benefits in terms of above policy have been granted to his dependents/legal heirs.

Heard learned counsel for the petitioners and perused the paper-

book.

Perusal of the policy dated 08.5.2020 (P-1) reveals that State of Punjab decided to grant ex-gratia compensation to the dependent members/legal heirs of employees who die in harness while on government duty and fighting against Corona virus pandemic and Clause 4 and 9 of the same being relevant are extracted as under:-

“4. Ex-Gratia admissible to dependents/legal heirs of employees who die in harness due to any other reason (except natural death, suicide and homicide not attributable to official duty) while on official duty related to State's fight to control the spread of Coronavirus:

a. It shall be applicable to all categories of regular employees of the Government of Punjab who die in harness due to any reason (except natural death, suicide and Homicide not attributable to Official duty) while on Official duty related to State's fight to control the spread of Coronavirus.

b. It shall be admissible to all the employees covered under the Old Pension scheme and those recruited on or after 1.1.2004 & covered under the New Pension Scheme (NPS).

c. It shall be admissible only where the employee is involved directly in the State's fight against Coronavirus eg: Employees on duty at COVID-Hospitals/CCCs, Drivers transporting citizens of the state from other states/COVID patients/suspects etc., Ration distribution, Curfew/Lockdown implementation etc.

d. The Civil Surgeon of the concerned district where the employee was on duty shall be competent authority to certify the cause of death.

e. The Deputy Commissioner of the concerned district where the employee was on duty shall be the competent authority to certify whether the employee was on duty and directly involved in the State's war on fighting Coronavirus while the employee died. The Deputy Commissioner, while issuing such a certificate, can call upon the report from the Head of Office concerned to ascertain the nature of duties entrusted upon such employees and whether the employee was on duty on the day of mishap.

f. The certificate mentioned at point (d) and (e) above shall be issued by the concerned Civil Surgeon and Deputy Commissioner only and can not be delegated to any other Official.

g. The ex-gratia claim submitted by the Office shall be accompanied by the certificates mentioned at points (d) and (e) above.

h. Ex-Gratia compensation @ Rs 50 lakhs shall be admissible in such cases.

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9. The compensation is admissible only for the pandemic of COVID-19 and it shall remain in force for a period of four months from 01.04.2020 to 31.7.2020 subject to review thereafter”

Perusal of Clause 9 reveals that tenure of policy was specified for a period of four months i.e. 01.04.2020 to 31.07.2020, but it was subject to further review. It transpires that period of policy was further extended upto 31.12.2020 vide Finance Department communication dated 23.12.2020

and thereafter, it was again extended uptill 31.03.2021 vide letter dated 30.03.2021 (P-2). There is nothing on record that abovesaid policy has been extended beyond 31.03.2021.

Although, it is argued by learned counsel for the petitioners that one Vikas Sharma died in harness while fighting against Corona Virus pandemic, but there is no material available on record to that effect either in the form of death certificate or otherwise that he died in harness fighting against Corona virus pandemic. It is also relevant to mention here that none of the dependent(s)/legal heir(s) of Vikas Sharma has been impleaded as party in the present petition. There is no assertion or material on record to the effect that something wrong has happened to either of the petitioner(s) while performing Covid duties for claiming the benefit of policy dated 08.05.2020. It seems that present writ petition has been filed only on the basis of apprehensions of the petitioners without there being any cause of action as on today, thus, the same is totally misconceived and as such, liable to be the dismissed with exemplary costs of ₹50,000/-.

At this stage, learned counsel for the petitioners requested for waiver of costs part while raising the plea of lenient view in the matter.

In view of the above, this Court has no option except to dismiss this writ petition, but without any costs.

Ordered accordingly.

Needless to say that if an employee is covered under policy dated 08.05.2020, which was subsequently extended, this order be not treated as a bar for claiming ex-gratia compensation by the dependent(s)/

legal heir(s) of such employee(s) in accordance with law.

05.07.2021
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No