

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.16079 of 2022
(Through hybrid mode)**

Anjana Behera

....

Petitioner

Ms. Sevati Soren, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Tarun Pattnaik, Advocate
(Addl. Standing Counsel)

CORAM: JUSTICE ARINDAM SINHA

**ORDER
05.07.2022**

Order No.

- 01.** 1. Ms. Soren, learned advocate appears on behalf of petitioner and submits, her client was widowed on her husband, upon having lastly been referred to SCB Medical College and Hospital, Cuttack, dying there and cremated by the hospital citing death by COVID-19. She submits, husband of her client was not diagnosed by the disease, when he was initially hospitalized. On death of her husband, petitioner applied for ex-gratia compensation to the Collector (opposite party no.2). The office rejected her claim citing lack of COVID-19 documents in relation to her deceased husband. She draws attention to application dated 24th March, 2022 for information made under section 6(1) of Right to Information Act, 2005. She

submits, there was no answer.

2. Mr. Patnaik, learned advocate, Addl. Standing Counsel appears on behalf of State and submits, the claim representation dated 1st November, 2021 will be duly dealt with by opposite party no.2.

3. Opposite party no.2 is directed to consider and deal with representation dated 1st November, 2021, copy of which is annexure-11 in the writ petition. In dealing with the representation said opposite party will keep in mind petitioner's contention that there was no diagnosis of COVID-19 suffered by her late husband, documented and given to her. In the circumstances, the office is directed to itself make enquiry and ascertain whether petitioner's husband was diagnosed with the disease and cremated as such by the hospital. In event such is the finding, said opposite party will forthwith direct payment of compensation in the applicable policy under policies regarding death by CODID-19 including according benefits under Ashrivad scheme.

4. Either petitioner is to be paid the compensation or given reasons for rejection of her claim, within four weeks of communication.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant