HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 10937/2024

Deepika W/o Late Pravin Kumar, Aged About 37 Years, Kharolo Ka Baas, Kaparda, Jodhpur, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Energy Department, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. The Managing Director, Jodhpur Vidyut Vitran Nigam Limited, New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
3. The Secretary (Admn.), Jodhpur Vidyut Vitran Nigam Limited, New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
4. The Deputy Director Works (Headquarter), Jodhpur Vidyut Vitran Nigam Limited, New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
5. The Executive Engineer, Jodhpur Vidyut Vitran Nigam Limited, New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.
6. Assistant Engineer, Jodhpur Vidyut Vitran Nigam Limited, Office New Power House, Bhagat Ki Kothi, Jodhpur, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Manvendra Singh Mr. Pradhyuman Singh
For Respondent(s)	:	Mr. Bharat Gurjar for Ms. Sapna Vaishnav

HON'BLE MR. JUSTICE FARJAND ALI
Order

16/07/2024

1. This instant writ petition has been preferred under Article 226 of the Constitution of India wherein following reliefs are claimed:

> *"It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed:-*
>
> *A. By an appropriate writ order. of direction, this writ petition may kindly be allowed and the respondent authority may kindly be directed to release the ex-gratia compensation of 50 Lakhs in addition to ex-*

gratia compensation of Rs. 20 Lakhs, payable under Regulation 29-A of Jodhpur Vidyut Vitran Nigam Limited pension Regulations, 1988 along with accrued interest @ 18% P.A. to the petitioner.

B. By an appropriate writ order or direction, any order denying the release of ex-gratia compensation of 50 Lakhs in addition to ex-gratia compensation of Rs. 20 Lakhs payable under Regulation 29-A of Jodhpur Vidyut Vitran Nigam Limited Pension Regulations, 1988 along with accrued interest to the petitioner may kindly be quashed and set- aside.

C. Any other appropriate writ, order of direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner."

2. As per the pleaded facts, the petitioner is a widow of Pravin Kumar (*hereinafter referred to as 'deceased'*) who was working on the post of Helper under the Jodhpur Vidyut Vitran Nigam Limited (JdVVNL), Discom, Bhavi, Jodhpur. The petitioner is a resident of Jodhpur, and has filed the present writ petition against the inaction of the respondent-authority who has declined to release the amount of ex-gratia compensation in her favour on account of her husband's death during COVID-19.

3. The brief facts of the case are that in the month of March 2020, the world witnessed the outbreak of the Corona Virus, which profoundly impacted the global community and altered the course of everyday life for individuals worldwide. Apart from the frontline health workers and other Corona warriors, Discom workers also played crucial role which was not appreciated in true manner. During the COVID-19 pandemic they supplied uninterrupted electricity to vital facilities viz., hospitals,

laboratories, COVID care centres, and other essential service providers.

4. It is evident from the office order dated 21.08.2020 (Annex.1) that during the deadly wave of COVID-19, the husband of the petitioner was directed to discharge his duties at Jodhpur Discom Bhavi, which was a red zone area and the same was verified by the Communication dated 16.03.2023. Vide Communication dated 16.03.2023 sent by the Block Chief Medical Officer, Bilara it was communicated that Pravin Kumar, who was posted as Helper under the JSS Village Bhavi died on 22.04.2021 and the said place was declared as red zone. Copies of the Office Order dated 21.08.2020 and Communications dated 16.03.2023 are placed on record.

5. Vide order dated 27.04.2020 issued by the Finance Department, Government of Rajasthan, Jaipur, whereby the Finance Department decided to grant Rs.50 Lakhs *ex-gratia* amount to the dependents/family of the employees of Autonomous Bodies/Boards/Corporations who died while discharging their duties due to infection from Covid 19, and the Head of the aforesaid bodies were given power to sanction the said amount on recommendation of the Controlling Officer. Furthermore, vide order dated 05.06.2020, the respondent-Managing Director, JDVVNL accorded its approval to adopt the earlier orders issued by Finance Department relating to grant of Rs.50 Lakhs and in accordance with the same inserted regulation 2 (i) below the existing Regulation 29-A (2) in the JDVVNL Pension Regulations, 1988 wherein the above-said amount was to be

granted subject to fulfilment of all conditions of Regulation of 29-A of JDVVNL Pension Regulations, 1988 and the said amount was in addition to *ex-gratia* amount of Rs.20 Lakhs payable under the aforesaid Regulations.

6. Subsequently, while battling COVID- 19, the husband of the petitioner passed away on 22.04.2021, which was confirmed by the hospital on the same day for which a death certificate was issued on 01.05.2021.

7. Learned counsel for the petitioner submitted that the respondents ought to have considered the fact that the inaction of the respondent authority regarding the release of the ex-gratia compensation to the petitioner on account of her husband's death due to COVID-19, is highly arbitrary and unjustified and bad in the eyes of the law, therefore, the aforesaid inaction of the respondent authority requires fresh examination by this Hon’ble Court. He further submitted that the respondents ought to have considered the fact that the husband of the petitioner got infected with COVID-19 at the time when he was discharging his duties on the post of Helper at the Jodhpur Discom, Bhavi. Thus the inaction on the part of the respondent authority in releasing the ex-gratia compensation of 50 Lakhs in addition to ex-gratia compensation of Rs. 20 Lakhs in favour of the petitioner is a clear violation of Regulation 29-A of the Jodhpur Vidyut Vitran Nigam Limited Pension Regulations, 1988. He further submitted that the respondent ought to have considered the fact that the Managing Director has already directed the Head of the department along with the concerned Personnel and Accounts Officer to monitor

regarding genuineness of the claims and their timely release as per the rules of the Jodhpur Vidyut Vitran Nigam Limited. Furthermore, the concerned officials were also directed to give special attention to the cases of employees who passed away due to COVID-19.

8. In support of his submissions, learned counsel has placed reliance on the order passed by the Hon'ble Apex Court in the case of ***Gaurav Kumar Bansal v. Union of India & Ors. (W.P. (C) No. 4539 of 2021*** on 24.03.2022 and the judgment rendered by this Court in the case of ***Susheela v. The Union of India & Ors. (S.B.C.W.P. No. 6106/2022***, decided on 29.09.2023) and the judgment rendered by the Hon'ble High Court of Delhi in the case of ***Sangeeta Wahi v. Union of India & Ors. (W.P. (C) 4912/2021***, decided on 18.10.2023), and the judgment rendered by the Hon'ble Allahabad High Court in the case of ***Smt. Premlata Pandey Vs. State of U.P. & Ors. (Writ -C No.17575/2023***, *decided on 29.05.2023)* along with the case of ***Sugan Prajapat Vs. Jodhpur Vidyut Vitran Nigam Ltd. & Anr. (Writ Petition No.7194/2022****, decided on 13.02.2024).*

9. Heard and considered the submissions made at the Bar by the counsel for the parties as well as perused the material available on the record as also the cited judgments.

10. This Court observes that the husband of the petitioner was working on the aforesaid post in the JDVVNL, Discom, Bhavi, Jodhpur and during the period of lock down he was given a task to coordinate with the concerned and to ensure continuous supply of electricity at the Covid Care Centres and he died during the course

of employment. Vide order dated 27.04.2020, the Finance Department of Rajasthan decided to grant ex gratia amount of Rs.50 Lakhs to the dependents/family of employees who died due to Covid 19 Virus while fighting against Covid, whereafter the Managing Director of JdVVNL gave approval to adopt the said orders dated 11.04.2020 and 27.04.2020. As per the aforesaid Regulation, it was ordered that an amount of Rs.50 Lakhs in addition to Rs.20 Lakhs be provided to the dependent/family of the employees; so far as the matter in hand is concerned, Pravin Kumar tested positive for Covid 19 and he died on 22.04.2021. Thereafter, under the order dated 27.04.2020 the petitioner submitted an application for grant of aforesaid benefit of Rs. 70 Lakhs, but the same was not considered.

11. This Court further observes that vide order No. F12(3)FD/Rules/2014 dated 27.04.2020, the Finance Department of Rajasthan had in continuation to the FD order No. F12(3) FD/Rules/2014 dated 11.04.2020 granted *ex gratia* amount of Rs.50 Lakhs to dependents/family of employees who died due to infection from Corona, while on duty for fight against Covid-19; the relevant portion whereof is reproduced as hereunder:

> *"The Head of such Autonomous Bodies/Boards/Corporations shall sanction the ex-gratia on recommendation of the controlling officer on being established that the employee has died due to infection from Corona, while on duty for fight against Covid-19.*
>
> *Ex-gratia shall be granted from their own funds by such Autonomous Bodies/Boards/Corporations."*

12. This Court also observes that the respondent department (JdVVNL) itself approved adoption of the orders dated 27.04.2020 and 11.04.2020, and accordingly, vide order dated 05.06.2020 inserted sub-regulation (2) (i) below the existing Regulation of 29-A (2) in the JdVVNL Pension Regulations, 1988 of the Nigam; the relevant portion whereof is reproduced as hereunder:

> *"Accordingly, sub-regulation (2) (I) shall be inserted below existing regulation 29-A (2) in the JdVVNL Pension Regulations, 1988 of the Nigam as follows, namely:-*
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> *"(2) (i) The dependents/family of the employees of the Nigam who die due to infection from Corona, while on duty for fight against Covid-19, shall be granted ex-gratia of Rs.50.00 Lakhs, subject to filfillment of all conditions of Regulation 29-A of the JdVVNL Pension Regulations, 1988. The Managing Director, JdVVNL will sanction the ex-gratia on being established that the employee has died due to infection from Corona, while on duty for fight against Covid-19.*
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> *This ex-gratia of Rs.50.00 Lakhs shall be in addition to ex-gratia of Rs.20.00 Lakhs payable under Regulation 29-A of JdVVNL Pension Regulations, 1988.*
>
> *This amount shall not be allowed to those employees who are included in the Pradhan Mantri Garib Kalyan Package: Insurance Scheme for Health Workers fighting Covid-19 declared by the Central Government."*

13. This Court further observes that the pandemic was a time of terror and anxiety wherein the entire country had gone into a complete lock down and the people did not wish to leave their houses, and in such tiring times, the Health Sector of the Country

was overburdened with work and to ensure the smooth functioning of the Health Sector various other departments of the Government were involved, one of them was the Electricity Department which also played a pivotal role in ensuring the continuous supply of electricity to Hospitals and Quarantine Centres/Covid Care Centres, and thus, the personnel belonging to that department played an equally important role in the collective fight against the Covid 19 Virus.

14. To ensure that the family of such citizens of our country who were involved in the continuous fight against the Covid 19 would be taken utmost care as unfortunately, their bread winners lost the lives by succumbing to the said Virus, the Government had taken various measures for such sufferers by providing them insurance policies and compensation in monetary terms, thus in the opinion of this Court, that the petitioner (wife of deceased) is entitled to receive the compensation which has already been accorded to families of akin nature; such compensation should not be denied to the petitioner. Moreover, the respondents, as reflected from the record, do not dispute regarding entitlement of the petitioner to receive the ex gratia amount of Rs.20 lakhs in addition to Rs.50 lakhs.

15. Thus, in light of the aforesaid observations and looking into the factual matrix of the present case, this Court is of the opinion that the present petition deserves to be allowed the respondents had themselves incorporated the payment of ex gratia amount of Rs. 50 Lakhs, which would be in addition to the Rs.20 Lakhs under the aforesaid Regulation and it is an established fact from the

submitted RTPCR test, death certificate and the letter dated 01.05.2021 that the deceased was tested positive and falls under the category of the persons who are covered under the order dated 05.06.2020.

16. Consequently, the present petition is **allowed**. The respondents are directed to pay a sum of Rs.70,00,000/- to the petitioner as ex gratia , after adjusting the ex gratia amount if any, already paid to the petitioner. Such exercise shall be undertaken and completed by the respondents within a period of three months from the date of receipt of a certified copy of this judgment, failing which the aforesaid payable amount shall carry interest @ 9% per annum till the actual date of payment. All pending applications stand disposed of.

(FARJAND ALI),J

227-Samvedana/-