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WEDNESDAY

COURT : MB-07
ITEM : AD-06
STAUS : DO
ID : 266057
AR : NANDY

WPA 14849 OF 2021

ANUSHRI DOLUI @ ANUSHIR DOLUI PAUL @ ANUSHRI PAUL & ORS.
VS.

THE STATE OF WEST BENGAL & ORS.

MR. SHAHAN SHAH, ADVOCATE
MR. UMENUN KHAN, ADVOCATE
MR. MD. SHAHJAHAN, ADVOCATE

..... for the Petitioners

1. The petitioners undertake to deposit the deficit Court Fees in course of this day.
2. Despite service none appears on behalf of the State.
3. The present writ petition has been filed alleging inaction on the part of the concerned respondents in considering the petitioners' claim for additional financial benefits under Notification No. HF/O/COVID-19/2020/3085 dated 01.04.2020, issued by the Health & Family Welfare Department, Government of West Bengal, in favour of persons deployed for COVID-19 related duties.
4. Mr. Shah, learned Advocate appearing for the petitioners, submits that the petitioners were deployed to discharge COVID-19 related duties and, in the course thereof, they contracted the virus and fell ill. Referring to the Notification dated 01.04.2020, he contends that, in terms of the said Notification, persons engaged in the containment and management of COVID-19, if infected, are entitled to free treatment in Government hospitals or Government-requisitioned private hospitals, together with financial assistance of Rs. 1 lakh and a death benefit of Rs. 10 lakhs in the event of death attributable to COVID-19. He further places reliance upon another Notification being No. HF/O/COVID-19/2020/4319 dated 07.09.2020, whereby the tenure of the Insurance Scheme was extended up to 30.11.2020.
5. He submits that the petitioners made their respective applications before the competent authority during the period from September 2020 to June 2021. However,

despite receiving such applications, no steps have been taken to release the benefits to the petitioners. This inaction has prompted the petitioners to file the instant writ petition.

6. Heard the learned Advocate for the petitioners. Perused the materials-on-record.
7. The Notification dated 01.04.2020 specified that for persons deployed for COVID-related duties in the containment and management of COVID-19 in the State of West Bengal, the Government had introduced an Insurance Scheme to cover those who were affected and found COVID-positive while discharging such duties. It also stipulates that free treatment for COVID-19 patients shall be provided in Government Hospitals or Government-requisitioned Private Hospitals, along with additional financial assistance of Rs. 1 lakh and a death benefit of Rs. 10 lakhs, if the death is attributable to COVID-19. Subsequently, by another Notification dated 07.09.2020, the tenure of the said Insurance Scheme was extended up to 30.11.2022.
8. Record reveals that the petitioners were infected by the COVID virus in the month of September 2020, i.e., within the covered period of the Insurance Scheme, and that their applications were duly received by the competent authority. The competent authority cannot sit tight over the matter for an indefinite period.
9. In view thereof, respondent no. 8 is directed to consider and take a decision regarding the admissibility of the petitioners' claim under the policy. If the District Nodal Officer finds the claim to be admissible, the same shall be processed, and all related documents shall be forwarded to the Health and Family Welfare Department, Government of West Bengal. Upon receipt of such documents by respondent no. 3, the same shall be processed, and necessary follow-up action shall be taken, including the disbursement of the additional

financial benefit of Rs. 1 lakh each to the petitioners.

10. If respondent no. 3 finds that the petitioners' claim is not admissible, a reasoned order shall be passed and communicated to the petitioners.
11. The entire exercise shall be completed within a period of eight weeks from date.
12. With these order and observations, **WPA 14849 of 2021** is **disposed of**.

(PARTHA SARATHI CHATTERJEE, J.)