$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(C) 6189/2021

MADHURI PANDEY & ANR. .....Petitioners

Through: Mr. Sundeep Sehgal and Mr. Anand Prakash Sharma, Advs.

versus

STATE OF GNCT OF DELHI & ORS. .....Respondents

Through: Mr. Abhinav Sharma, Ms. Avsi Malik and Ms. Aakriti Jain, Advs. for GNCTD.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **15.04.2026**

(The matter has been taken up today, as 14.04.2026 was declared as a holiday on account of the birthday of Dr. B.R. Ambedkar.)

1. Learned counsel appearing on behalf of the petitioner submits that since petitioner no. 2 – Ms. Rukmani Pandey has expired, therefore, her name be deleted from the array of parties.

2. Let the amended memo of parties be placed on record.

3. From the facts stated in the petition, and corroborated by the affidavit tendered by respondent no. 4-Commissioner of Police, it appears that that the husband of the petitioner, namely, Shesh Mani Pandey ("**Deceased**"), was working with the Delhi Police Department at the post of Assistant Sub-

Inspector ('**ASI**'), Finger Print Expert. During the COVID-19 pandemic, he was posted in the Crime Branch, and was diligently discharging his duties.

4. It is stated that the Deceased had been attending to various calls *viz* murder, house theft, burglary, car theft etc., and, therefore, was in continuous interaction with the public at large and his fellow colleagues.

5. On 24.05.2020, while the Deceased was on duty, he developed symptoms of Corona Virus, and on 26.05.2020, he along with other members of his Crime Team, underwent tests at Lady Hardinge Medical College, New Delhi. The Deceased tested positive for COVID-19, and resultantly, was admitted to the Base Hospital, Delhi on 27.05.2020. On 30.05.2020, Shesh Mani Pandey unfortunately succumbed to the disease and expired.

6. In June, 2020, the Delhi Police Administration Department, sent the requisite documents recommending the case of the Deceased for *ex-gratia* payment to the respondent no. 2, as per the Cabinet Decision No. 2835 dated 13.05.2020 of the Govt. of NCT of Delhi ("**Cabinet Decision**"). The petitioner is aggrieved by the decision of the Group of Ministers taken in the meeting dated 09.07.2024. Minutes thereof, have been drawn on 14.10.2024 ("**Impugned Decision**"). The relevant parts of the minutes are extracted as under:

> "*Later on, as per order of the Hon'ble High Court in WP(C) 6189/2021 titles as* "Madhuri Pandey *and ANR vs State of GNCTD and Ors" the matter was placed in the Group of Ministers (GoM) meeting held on 13.01.2023 and the Group of Ministers was of the considered view that the case is not covered under the provisions of Cabinet Decision No.2835 dated 13.05.2020 due to reason that the deceased was performing his routine duties. He was not performing specific duties like patient care duties/duty in any containment zone during covid-19 pandemic/working in covid designated hospital/special covid relief work.*"

7. The Cabinet Decision No. 2835 dated 13.05.2020 reads as under:

> "***<u>CABINET DECISION NO. 2835 DATED 13.05.2020</u>***
> ***Subject: Cabinet Note regarding awarding compensation to family of employees who die of the disease while on COVID 19 duty.***
> ***Decision:*** *The Council of Ministers considered the note of Minister (H&FW) and approved that any person including Doctor, Nurse, Paramedical Staff, Security/Sanitation staff or any other Govt. Officer/Official, including Police Officer/Official, whether temporary or permanent employee or contractual, in Government or Private Sector, deployed for COVID-19 duties by Government of NCT of Delhi, if expires by contracting the disease during discharge of his/her duty, his/her family shall be paid an ex gratia amount of Rupees One Crore, posthumously.*
>
> *The concerned Department/Agency, where the person was employed, will submit the case with their recommendations, enclosing the report of Death Audit Committee and report of Medical Superintendent/In-charge of the Hospital/Medical Institutions to Revenue Department, GNCTD for further processing for payment of the ex-gratia and same shall be put up to Minister (Health), through Minister (Revenue), for the approval of Hon'ble Chief Minister. After approval of Hon'ble Chief Minister, ex-gratia amount will be paid by Revenue Department to bona fide beneficiary from Major Head 2235-60-200-62-00-50-other charges*"

8. The respondents have not brought on record any document/circular/notification containing a list of individuals who were employed by the Govt. of NCT of Delhi for "*COVID-19 duties*". There is also no rule/regulation placed on record which defines the said expression. The Govt. had also not advertised jobs, contractual or otherwise, for the posts involving the discharge of COVID-19 duties.

9. The Impugned Decision seems to be premised on the reasoning that there exists a distinction between "*routine duty*" and "*COVID-19 duty*". It be noted that there is no detailed elaboration as to what the contours of the said distinction are. If at all, the said phrases were defined under a rule/regulation, the *simpliciter* explanation under the Impugned Decision

could have been *ex facie* accepted. In its absence, a case of a deceased, cannot *per* se be rejected on the basis of the aforesaid purported distinction.

10. The Merriam-Webster dictionary defines the word "*duty*" as follows:

> "*:obligatory tasks, conduct, service, or functions that arise from one's position (as in life or in a group)*
>
> *:a moral or legal obligation*"

11. In the absence of there being a specific post in the Govt. of NCT of Delhi, for the discharge of "*COVID-19 duties*", such duties are to be construed in the context of the "*routine duty*" undertaken by Govt. employees. A blanket conclusion cannot be drawn that work/functions/duties discharged by a govt. servant, which are in the due-course of their employment, or undertaken by them on a day-to-day basis, and in that sense are "*routine*", cannot in certain circumstances by considered "*COVID-19 duties*".

12. It is this overbroad carte blanche distinction that was found to be untenable by this Court in ***Smt. Ram Dulari and Ors vs. Govt of NCT of Delhi and Ors.***,[1] ***Narender Kumar vs. The Government of NCT of Delhi & Anr.***[2] and ***Prem Sheela Kumari vs. Govt of NCT of Delhi Department of Revenue & Anr.***[3]

13. In appropriate cases, therefore, even that which appears to be the "*routine*", "*mundane*", and "*ordinary*", could, depending upon the circumstances in which the acts were discharged and undertaken, be considered as valiant, extra-ordinary and warrior-like efforts rendered to preserve the otherwise disrupted State machinery. The said circumstances

---

[1] W.P.(C) 16201/2023, order dt. 11.03.2026.
[2] W.P.(C) 5863/2024, order dt. 18.03.2026.

were taken note of by this Court in ***Smt. Ram Dulari and Ors.*** (supra) which reads as under:

> "*12. It would be apposite to note the state of affairs which prevailed when the Cabinet Decision was taken and the subsequent circular came to be issued. The country was confronted with an unprecedented pandemic which disrupted every aspect of civic life and placed extraordinary pressure upon the State machinery. It was persons like late Sh. Bharat Singh, who ensured that there was no complete collapse of essential public services and basic civic functioning. Much like soldiers who stand at the borders to protect the nation in times of external threat, these frontline workers continued to discharge their duties amidst grave personal risk, exposure and uncertainty, so that the life of the community could continue with some semblance of order. It was in recognition of this extraordinary sacrifice, and the indispensable nature of such service, that the policy for grant of ex gratia compensation came to be framed.*"

14. The question which then falls for consideration is when "*routine duty*" could be considered as "*COVID-19 duty*". In the context of the Cabinet Decision, the words "*COVID-19 duty*" can be understood as meaning those activities/functions, the discharge of which, would place the person at a higher risk to contract COVID-19. It is owing to this *risk* which an individual takes while performing services for the State and the general public, which is sought to be recognized through the Cabinet Decision.

15. The Cabinet Decision was taken, so that the individuals who are taking upon themselves, the burden of maintaining societal order do not get discouraged from performing their essential activities owing to the then prevailing pandemic.

16. In ***Pooja v. State of NCT of Delhi***,[4] the wife of late Constable Amit Kumar, who had died on account of COVID-19, had moved this Court to seek compensation under the Cabinet Decision. The Court in the said case,

---

[3] W.P.(C) 3310/2024, order dt. 27.03.2026.
[4] W.P.(C) 5923/2021.

on the basis of the statement of the Deputy Commissioner of Police (North-West), Ashok Vihar, rendered a finding[5] that Mr. Kumar performed "*COVID-19 Duty*". Para. 7 of the order dated 14.12.2022 reads as under:

> *7. The present case requires an empathetic consideration. It is not in doubt that the Petitioner's husband - Sh. Amit Kumar had died during COVID-19 duty. The same is also confirmed by the office of the DCP (North-West), Ashok Vihar who has stated as under:*
>
> > *"Subject - Reg. Grant of Ex. Gratia of Rs. 1 Crore to the family of Late Const. Amit Kumar, No. 2295/NW, expired on 05.05.2020 due to illness (COVID-19+).*
> > *Sir,*
> > *With reference to your office letter nos. F.1(58)/Relief/Ex-gratia/2020/3247 dated 25.09.2020, on the subject cited above. I am to inform that the deceased Ct. Amit Kumar, No. 2295/NW, PIS No. 28107401 was performing field duty in PS Bharat Nagar, North West Dist. in addition to collator.* ***During the period of lockdown police personnel performing duties like Naib Court, VB, collator, etc. were deployed for ensuring the lockdown guidelines in P.S. Bharat Nagar areas of Containment Zone and around needed as he is bound to work 24 × 7****. As per report of Dr. Lal Path Lab, Sector-18, Rohini Delhi, Late Ct. Amit Kumar, No 2296/NW was COVID-19+. patient during the course of his duty due to which he got infected an lost his life. Considering the above, the bereaved family of Late Ct. Amit Kumar, No. 2295/NW fully deserves the financial compensation of Rs. 1 Crore announced by the government of NCT of Delhi. Hence, I strongly recommend for the grant of compensation of Rs. 1 Crore to the family of the deceased."*

[Emphasis of the Court]

17. In the instant case the Affidavit of respondent no. 4 – Commissioner of Police reveals that all other police personnels along with the Deceased who were on the shift on 26.05.2020, contracted COVID-19. It remains undisputed that the Deceased was visiting all types of scenes of crime in the offences committed under the jurisdiction of Central District during the COVID-19 period. The Deceased did not have any choice to perform his

[5] W.P.(C) 5923/2021, Order dt. 14.12.2022.

duty limited to non-COVID patients, areas, victims, accused, or individuals. In his capacity, the Deceased helped the Govt. of NCT of Delhi, maintain law and order, and ensure the civic system does not break down.

18. As part of the Crime Branch, naturally, the Deceased had to go to hospitals, crowded places, and physically interact with a wide variety of individuals. Surely, he was at a significantly higher risk to contract the COVID-19 disease. The same is evidenced by all members of his team being infected by the same. The Cabinet Decision, *ex facie*, appears to have been meant to confer compensation upon the families of persons like Mr. Shesh Mani Pandey, who died due to COVID while discharging their duties for the State during the COVID-19 pandemic

19. For the aforesaid reason, the decision of the group of Ministers taken in the meeting dated 09.07.2024 stands set aside. The petitioner is found entitled for *ex gratia* compensation of Rs. 1 Crore.

20. Let the payment be made within a period of six weeks from today. Let the compliance be placed on record.

21. The instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 15, 2026/SH