



2026:DHC:4559



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 14174/2023**Date of Decision: **13.05.2026****IN THE MATTER OF:**

SANJEEV MEHNDIRATTA

.....Petitioner

Through: Mr. Gaurav Jain, Mr. Naveen
Chaudhary, Mr. Gaurav Singh,
Advocates.

versus

GOVT. OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Tushar Sannu and Mr. Parvin
Bansal, Advocates for GNCTD.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****JUDGEMENT****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petition is for the following reliefs:

*“a) Directing R1 to grant compensation to petitioner under CWMS as per its Cabinet Decision dated 13.05.2020. (See: Annexure P1)**b) Direct the respondents to compensate the petitioners for making them run from pillar to post for the Compensation, thereby causing them immense mental pain, and harassment.”*

2. The petition is essentially for the directions to respondent – Government of NCT of Delhi (GNCTD) to grant compensation to the petitioner under its Corona Warrior Martyr Scheme (CWMS). The petitioner is the husband of the deceased Dr. Shilpa Mehndiratta.

3. Dr. Shilpa Mehndiratta was appointed as a Medical Officer in the

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Integrated District Health Society, South-West District in September 2009 and was working as Medical Officer In-Charge at Seed Primary Urban Health Centre, Salhapur Khera and was performing COVID-19 duties during the pandemic. It is submitted that she was on medical leave from 17.03.2021 and passed away on 14.05.2021 due to Coronavirus Disease of 2019 (COVID-19).

4. It is submitted that Late Dr. Shilpa Mehndiratta underwent Reverse Transcription Polymerase Chain Reaction (RT-PCR) test on 26.03.2021 and on 31.03.2021. The result of the first RT-PCR test was negative, whereas, the second RT-PCR test was reported to be positive.

5. As per the stand taken by the respondents-GNCTD, since the RT-PCR test dated 26.03.2021 turned out to be negative, she had not contracted the COVID-19 till she was on duty. Therefore, it is respondents' case that she got infected during leave period.

6. The Cabinet Decision dated 13.05.2020, is relied upon by the respondents –GNCTD to justify the action and stated that compensation can be granted only to cases where the COVID-19 infection was contracted during the course of discharge of official duty.

7. In the case of ***B. Varalakshmi v. The Secretary to Government of India***,¹ the Madras High Court was faced with a similar situation where the claim was delayed because an RT-PCR report was not available, while a CT-Chest COVID Screening Test report was available. The court held:

“12. It is very clear from the 'CT-Chest COVID Screening Test' that the husband of the petitioner was afflicted with COVID-19. When such a clinching document is available, there is no requirement for insisting for the RTPCR Test result. In cases of this nature, the Authorities must not

¹ WP(MD) No. 7997 of 2021, decided on 15.06.2021



stick to technicalities and the claim must be considered with more humanness with the available documents which clearly substantiates the fact that the husband of the petitioner was suffering from COVID-19."

8. In another case ***Machindra Maruti Gaikwad v. Union of India & Ors.***², the Bombay High Court held that a COVID-19 insurance claim cannot be rejected simply because a positive RT-PCR report is missing, if there is strong medical evidence showing that COVID-19 caused the death. The Court held:

"11. The deceased was working as Arogya Sevika (Health worker) during the covid period. In this fact situation, merely because the petitioner could not submit the laboratory report certifying that the deceased was tested positive for Covid-19, the claim of the petitioner cannot be rejected. Notwithstanding the above RT PCR report showing the deceased covid negative, the overwhelming evidence is produced on record particularly the cause of death certificate issued by the Medical Superintendent of Civil Hospital Ahmednagar, which clearly demonstrates that the deceased passed away due to covid-19. The CT scan report indicates total CT severity score of the deceased as 17 out of 25 and shows that severity of infection of the deceased. Therefore the RT PCR report indicating that the deceased tested negative for Covid-19 is not the sole criteria to rely upon to decide whether the person was covid positive or that the death is caused due to covid infection."

9. In the case of ***Dhruv Goel vs. Govt of Nct of Delhi & ANR.***³, the issue with respect to the claim made by the GNCTD has attained finality, wherein, the negative RT-PCR was the subject matter. The Court in its order dated 18.12.2024, has observed as under:

"1. In compliance of the directions issued on 25th November, 2024, a Death Audit Committee has certified, after examination of the documents presented, that the death of Late Dr. Ravinder Kumar Goel occurred on account of COVID-19.

2. On the basis of this certification, the file has now been processed further and CDMO, West has sent recommendations on the basis of this Audit Report to Director General, DGHS on 16th December, 2024.

² WP No. 286/2023, decided on 09.01.2026

³ W.P.(C) 5434/2024



3. Mr. Prashant Manchanda, ASC for Respondent No. 1, states that there is a further development in the case. Even the Director General, DGHS has recommended the case and the file has now been forwarded to the Special Secretary, COVID, Department of Health, GNCTD.

4. It is, therefore, now expected that the Special Secretary shall take a final decision within a period of two weeks from today.

5. Mr. Gaurav Jain, counsel for the Petitioner, points out that on the previous date, Mr. Farman Ali, Senior Panel Counsel for Union of India, had asserted that they were unable to process the Petitioners' claim due to lack of recommendation from the GNCTD for processing the Petitioner's claim. Now that the Death Audit Report has been received, a direction is issued to District Magistrate, West to expedite the process for sending the recommendations to Union of India for processing the Petitioner's claim under the Pradhan Mantri Garib Kalyan Package. ”

10. It is common knowledge that the RT-PCR tests at times, did not accurately report the COVID-19 infections. It was seen that there were various false negative reports. In any case, in the instant matter, the second RT-PCR report of late Dr. Shilpa Mehndiratta dated 31.03.2021 affirms that the petitioner got infected by COVID-19.

11. A copy of the certification of death due to COVID-19 issued by the Death Audit Committee dated 25.03.2025 is also available on record.

12. In view of the aforesaid, the Court finds that the petitioner is also entitled for compensation under the Cabinet Decision dated 13.05.2020.

13. Accordingly, the respondents are directed to process the claim of the petitioner and release the same in accordance with the extant policy within six weeks from the date of receipt of a copy of this order.

14. With the aforesaid directions, the petition stands disposed of.

15. List on 30.07.2026 for reporting compliance.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

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