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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11304/2024 and CM APPL. 46854/2024**

Date of Decision: **08.05.2026**

IN THE MATTER OF:-

MANJU SHARMA & ORS.

.....Petitioners

Through: Mr. Gaurav Jain, Advocate.

versus

GOVT OF NCT OF DELHI & ORS.

.....Respondents

Through: Ms. Vaishali Gupta, Panel Counsel (Civil) GNCTD, Ms. Rashi Aggarwal, Advocates for R-1.

Mr. Akshay Amritanshu, Senior Panel Counsel, Adv., Mr. Mayur Goyal, Adv., Mr. Sarthak Srivastava, Advocates for R-2 and 3.

Mr. Jitendra Gautam, CRPF.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioners are the wife and children of late Sh. Nand Kishore Sharma (“**Deceased**”) who have filed the instant petition seeking, primarily, – (1) *ex gratia* compensation in terms of the Cabinet Decision dated 13.05.2020 (“**said Cabinet Decision**”) of the

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2026:DHC:4536



Govt. of NCT of Delhi (“GNCTD”); (2) compensation in terms of the Kendriya Anugrah Rashi, Kendriya Anugrah Anudaan (if not covered under the just-mentioned scheme), and the Bharat Ke Veer Fund of the Union of India.

2. The facts as pleaded in the petition appear to be that the deceased was a Sub-Inspector (SI/GD) in 103 Battalion, Rapid Action Force of the Central Reserve Police Force (‘CRPF’), which comes under the administrative control of respondent no. 3. It is contended that the Deceased served our country as a COVID Front Line Worker during the COVID-19 pandemic till 21.04.2021 and died on 24.04.2021 after contracting the COVID disease “*during the discharge of his duty*”. His RT-PCR Test conducted posthumously on 25.04.2021 is also stated to be positive for COVID.

3. The said Cabinet Decision of the GNCTD reads as under:

“Decision: The Council of Ministers considered the note of Minister (H&FW) and approved that any person including doctors, Nurse, Paramedical Staff, Security/Sanitation staff or any other Govt Official including Police official, whether temporary or permanent employee or contractual in Government or Private Sector, deployed for COVID-19 duties by Government of NCT of Delhi, expires by contracting the disease during discharge of his/her duties/his/her family shall be paid an ex-gratia amount of Rupees One Crore posthumously.”

4. The petitioner has not pleaded in his writ petition who had deployed the deceased for the duty that he was performing where he contracted the COVID-19 disease. The material portion of the pleading reads as under:



2026:DHC:4536



“4. Petitioner’s husband was a Sub-Inspector (SI/GD) in 103 Battalion (Bn.), Rapid Action Force (RAF) of Central Reserve Police Force (CRPF). CRPF comes under the administrative control R3. A copy of the Identity Card of Late Shri Nand Kishore is annexed as Annexure P3.

5. Late Shri Nand Kishore served his country as a COVID Front Line Worker during the Pandemic till 21.04.2021; he contracted COVID during discharge of his duty and died on 24.04.2021 before he could receive any formal medical help. His RT-PCR Test conducted posthumously on 25.04.2021 for COVID came out positive. This fact was sufficient to confirm that his death occurred due to COVID without the requirement of any post-mortem report because, as per R2’s Guidelines on dead-body management dated 15.03.2020, autopsies on COVID dead bodies were to be avoided. Since the I.O. suspected no foul play in the death of Shri Nand Kishore, and his RT-PCR report was positive, autopsy was waived off.”

5. The said Cabinet Decision of the GNCTD applies to those who are deployed by the GNCTD. The same is clear from the text of the Cabinet Decision as well. A plain reading of the provision would exclude the deceased from being eligible for the 1 Crore *ex gratia* COVID 19 compensation. A mere contention made at the Bar that the petitioner was deployed along with the police officials at the NCT of Delhi would not lead to a different conclusion.

6. Insofar as the coverage of the schemes of the Union of India is concerned, it may be noted that certain benefits have been conferred upon the petitioners, as noted in the counter-affidavit of respondent nos. 2 and 3 which reads as under:

“15. It is also submitted that the deceased’s next of kin had been paid the certain benefits namely, DCRG amounting to Rs. 17,83,782/-, CGEGIS amounting to Rs. 76,255/-, GPF amounting to Rs. 21,87,749/-, LE amounting to Rs. 5,40,540/-, Difference LE amounting to Rs. 50,820/-, and Risk Fund amounting to Rs.



2026:DHC:4536



21,50,000/-.

16. Additionally, an amount of Rs. 2,44,111/- had also been paid to the Petitioner under Bharat Ke Veer Fund.

17. Thus, the Petitioners had been duly compensated for their loss on the death of the deceased. However, as the deceased was not performing COVID duty and was only discharging his regular duty, the benefits specifically curated for families of personnel who lost their lives performing COVID duty could not be extended to the Petitioners.

18. Therefore, it is humbly submitted that the contentions alleged by the Petitioners by way of the present petition are false as the concerned authorities had rejected the Petitioner's claim for compensation after thorough deliberation and in accordance with the law.”

7. However, *prima facie*, it appears that certain benefits have been denied to the petitioners on grounds of a *simpliciter* reasoning that the Deceased's routine duty is not COVID duty. It may be noted that such a carte blanche denial without actual engagement with the nature of work which the Deceased was doing, has been held by this Court to be impermissible in law in ***Madhuri Pandey and Anr. v. State of NCT of Delhi & Ors.***,¹ the material portion of the said decision reads as under:

“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

¹ W.P.(C) 6189/2021, order dt. 15.04.2026.



2026:DHC:4536



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 be 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., Narender Kumar vs. The Government of NCT of Delhi & Anr. and Prem Sheela Kumari vs. Govt of NCT of Delhi Department of Revenue & Anr.

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 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

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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*, 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, on the basis of the statement of the Deputy Commissioner of Police (North-West), Ashok Vihar, rendered a finding 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 x 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 and 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

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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 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.*

8. Similar view was taken by this Court in ***Smt. Ram Dulari and Ors vs. Govt of NCT of Delhi and Ors.***² ***Narender Kumar vs. The Government of NCT of Delhi & Anr.***³ and ***Prem Sheela Kumari vs. Govt of NCT of Delhi Department of Revenue & Anr.***⁴

9. Thus, if benefits have been denied to the petitioners by the Union of India on the short, threshold, and *simpliciter* ground that the Deceased's nature of work was routine and not COVID duty, the same is impermissible.

10. In light of the above, the Court deems it fit to direct the Union of India to reconsider the decisions taken by it *qua* the petitioners'

² W.P.(C) 16201/2023, order dt. 11.03.2026.

³ W.P.(C) 5863/2024, order dt. 18.03.2026.



2026:DHC:4536



entitlement for schemes/policies/decisions which have been denied, if any, on the ground of the purported distinction between COVID duty and routine duty, in light of the law discussed above.

11. Accordingly, the present petition along with pending application is disposed of.

PURUSHAINDRA KUMAR KAURAV, J

MAY 8, 2026

Rao/nc

⁴ W.P.(C) 3310/2024, order dt. 27.03.2026.