



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

Date of decision: 12th MARCH, 2024

IN THE MATTER OF:

+ **W.P.(C) 6397/2021**

UMESH KUMAR

..... Petitioner

Through: Mr. Umesh Kumar and Ms. Kawal Preet Kaur, Advocates.

versus

GOVERNMENT OF NCT OF DELHI AND ANR

..... Respondents

Through: Mr. Anupam Srivastava, ASC for GNCTD with Mr. Dhairya Gupta, Advocate for R-1.
Mr. Ajjay Aroraa and Mr. Kapil Dutta, Advocates for MCD.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

JUDGMENT

1. The Petitioner has approached this Court for a direction to the Respondents to provide compensation of Rs.25 lakhs to the family of the Petitioner. The Petitioner has also prayed for a direction to Respondent No.1 to declare the Members of the Town Vending Committee as the frontline COVID-19 warriors in Delhi.

2. It is stated that the father of the Petitioner was elected unopposed as a Member of the Town Vending Committee-1 of Civil Lines Area, North Delhi Municipal Corporation, Delhi. The Respondent No.1 set up 28 Town



Vending Committees with each having 28 Members and out of which 12 members were elected from among street vendors and hawkers and rest were nominated. It is stated that the father of the Petitioner was admitted to LNJP Hospital and tested positive for COVID-19 on 07.04.2021, and thereafter, succumbed to COVID-19 on 04.05.2021. The Petitioner has, therefore, approached this Court for a direction to Respondent No.1 to declare the Town Vending Committee Members as the frontline COVID-19 warriors in Delhi and also for a direction to the Respondents to provide compensation to the family of the Petitioner for a sum of Rs.25 lakhs.

3. Notice was issued in the writ petition on 12.07.2021.

4. Counter affidavit has been filed by the Respondent No.1. In the counter affidavit, it is stated that for the purpose of awarding compensation to the employees who passed away owing to contracting COVID-19 while being deployed for COVID-19 duties by the GNCTD, a decision was taken by the Government *vide* the Cabinet Decision bearing No.2835 dated 13.05.2020 . The said Cabinet Decision reads as under:

"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."



5. Another decision was taken on 03.06.2021 by the Respondent No.1/GNCTD *vide* Cabinet Decision bearing No.3005 and a Scheme called "Mukhyamantri COVID-19 Pariwar Aarthik Sahayata Yojana" was introduced for granting one-time ex-gratia payment to the family of those persons who passed away contracting COVID-19. It is also stated in the counter affidavit that the mother of the Petitioner Smt. Somwati has already been sanctioned a sum of Rs.50,000/- by the concerned SDM as per Sanction Order bearing F.No.Misc/SDM/MT/2021/35908-08 dated 02.12.2021 upon her application being filed under the "Mukhyamantri Covid-19 Parivar Aarthik Sahayta Yojana Scheme". It is also stated that case of monthly pension to Smt. Somwati has also been forwarded to the Department of Social Welfare, GNCTD. The stand of the Respondent/GNCTD is that no case of further grant of compensation to the family of the Petitioner for a sum of Rs.25 lakhs is made out.

6. Learned Counsel appearing for the Petitioner contends that the Petitioner's father was a Member of the Town Vending Committee. He states that the Petitioner's father had been participating in the meetings of the Town Vending Committee of the North Delhi Municipal Corporation, Civil Lines Area, Delhi and he died owing to contracting COVID-19. He, therefore, contends that the Members of the Town Vending Committee must be declared as frontline COVID-19 warriors and also the family of the Petitioner is entitled to the compensation.

7. *Per contra*, learned Counsel appearing for the Respondents contends that the issue of grant of compensation is a matter of policy. He states that the Petitioner's mother has already been considered under the



"Mukhyamantri Covid-19 Parivar Aarthik Sahayta Yojana Scheme" and a one-time payment of Rs.50,000/- has been paid to her, and therefore, no other claim of compensation is made out.

8. Heard learned Counsel appearing for the Parties and perused the material on record.

9. A perusal of the decision taken by the Respondent/GNCTD *vide* Cabinet Decision bearing No.2835 dated 13.05.2020 shows that if 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.

10. The Petitioner's father was part of the Town Vending Committee. There is nothing on record to show that the father of the Petitioner had been deployed for COVID-19 duties by the Government of NCT of Delhi. In the absence of any material to show that the father of the Petitioner had been deployed for COVID-19 duties by the Government of NCT of Delhi, the Petitioner is not entitled to benefit of decision taken by the Respondent/GNCTD *vide* Cabinet Decision bearing No.2835 dated 13.05.2020. As far as the "Mukhyamantri Covid-19 Parivar Aarthik Sahayta Yojana Scheme" is concerned, the Petitioner's mother Smt. Somwati i.e., the wife of the deceased, has already been paid a sum of Rs.50,000/- as one-



time one-time ex-gratia amount under the said Scheme upon an application being filed by her under the said Scheme.

11. It is well settled that matters pertaining to grant of benefits under a Scheme is purely a policy decision and Writ Courts under Article 226 of the Constitution of India do not interfere with the policy. The Apex Court in Reepak Kansal and Ors. vs. Union of India and Ors., (2021) 9 SCC 251 had directed the Disaster Management Authority to recommend guidelines for ex-gratia to the family members of the deceased who died due to COVID-19 as mandated under Section 12(iii) of the Disaster Management Act, 2005 and what amount is to be offered was left to the National Authority/Central Government.

12. The guidelines have been issued by the Government of NCT of Delhi in accordance with the directions of the Apex Court. In the absence of any material to show that the Petitioner's father had been deployed for COVID-19 duties by the Government of NCT of Delhi, this Court is not inclined to direct that the Members of the Town Vending Committee should be declared as frontline COVID-19 warriors or that they are entitled to the compensation of Rs.25 lakhs. The writ petition is completely devoid of merits.

13. In view of the above, the writ petition is dismissed, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MARCH 12, 2024

S. Zakir