



2026:DHC:9289



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: October 14th, 2026*

CNR No. DLHC010062372022

+ W.P.(C) 2429/2022

ASHA

.....Petitioner

Through: Mr. Kaoliangpou Kamei,
Mr. Sunil Kanti Chakma, Ms.
Bhanu Pathania & Mr. Amit
Kumar, Advs.

versus

STATE OF NCT OF DELHI AND ORS Respondents

Through: Mr. Lalitaksh Joshi, Adv. for
GNCTD
Mr. Rajiv R. Mishra, Ms.
Suruchi Yadav & Mr. Keshav
Kumar Jha, Advs. for R2
(through VC)

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioner essentially seeks grant of *ex gratia* compensation of ₹1,00,00,000/- on account of the death of her son on 31.07.2021 due to COVID-19 illness.

2. Succinctly stated, the petitioner's son was employed with Respondent No. 3/SS Enterprise under contract to Respondent No. 2/Delhi Jal Board in December 2019 and was working as the operator of a pressure jet machine. The petitioner's son tested positive for COVID-19 on 28.07.2021 and he eventually succumbed to the

Signature Not Verified

Signed By: HARMINDER

KAUR

Signing Date: 15.10.2022 **W.P.(C) 2429/2022**

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infection on 31.07.2021. It is the petitioner's case that her son was performing essential service during the pandemic and is consequently eligible for grant of *ex gratia* compensation of ₹1,00,00,000/- in accordance with the policies.

3. The petitioner thus seeks a direction to the respondent authorities to disburse *ex gratia* compensation of ₹1,00,00,000/- to the petitioner.

4. On the other hand, the learned counsel for Respondent No. 1 submits that the petitioner's son is ineligible for grant of *ex gratia* compensation of ₹1,00,00,000/- in accordance with the applicable policies. He submits that Cabinet Decision No. 2835 dated 13.05.2020 is only applicable to those patients who were deployed by Respondent No. 1 for performing COVID-19 duties. He submits that the petitioner's son was not required to interact with COVID-19 patients as a result of his duty and was not specifically deployed by Respondent No. 1 for the said purpose. He consequently submits that the petitioner's son would not be eligible for grant of *ex gratia* compensation. He submits that barring the above, all applicable financial assistance including a monthly sum of ₹2500/- to each of the two children of the petitioner's son is being paid since December 2021.

5. Having taken note of the contentions, the short point that arises for consideration is whether the petitioner would be eligible for payment of *ex gratia* compensation of ₹1,00,00,000/- on account of the death of the petitioner's son due to COVID-19 on 31.07.2021.

6. In that light, in order to assess the claim of the petitioner, it is



pertinent to examine the purport of Cabinet Decision No. 2835 dated 13.05.2020 which reads as follows:

*“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&FV) 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.**”*

(emphasis supplied)

7. From a reading of the Cabinet Decision No. 2835 dated 13.05.2020 as quoted above, it transpires that the payment of *ex gratia compensation* was sought to be made to employees, whether temporary or permanent, if they were deployed for COVID-19 duties by the Government of NCT of Delhi and they expired by contracting the disease during discharge of his/her duty. The same was only limited to employees who were directly assigned COVID-19 duties and not those who were performing their routine duties.

8. Recently, the Division Bench of this Court had also affirmed the distinction between routine duties and COVID-19 duties in the case of ***Prem Wati & Ors. v. Govt. of NCT & Ors. : 2026:DHC:6749-DB***, and had declined to grant *ex gratia* compensation to the claimant therein noting that the deceased employee in that case was not assigned to discharge any COVID-19 duties.

9. In the present case as well, while the petitioner claims that her son had died after contracting the infection during the course of



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discharge of his duties, it is not the case of the petitioner that her son was specifically deployed for COVID-19 duties by the Government. As is borne out from a perusal of the record, the counter affidavit on behalf of Respondent No. 1 as well as categorical submission made on behalf of Respondent No. 1, the petitioner was only discharging his routine duties and was not deployed for COVID-19 duties by the Government. Consequently, though the petitioner's son was engaged in duties that are indeed crucial to public welfare being sanitation, however, since the contours of the Cabinet Decision No. 2835 dated 13.05.2020, was limited to and covered only those employees who were assigned duties directly related to COVID-19 as such, the petitioner is not entitled to the grant of *ex gratia compensation* as prayed.

10. The present petition is accordingly dismissed.

AMIT MAHAJAN, J

OCTOBER 14, 2026

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