



2026:DHC:8340



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

% ***Date of Decision: September 24th, 2026***

CNR No. DLHC010460292026

+ **W.P.(C) 14152/2026 & CM APPL. 66284/2026, CM APPL. 66285/2026**

MRS POONAM

.....Petitioner

Through: Mr. Bharat Bhushan, Adv.

versus

THE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Avni Singh, PC, GNCTD
along with Mr. Vaibhav
Sharma, Advs. for R-1.

Mr. Srijan Sinha, Mr. Rishi
Chouksey & Ms. Surbhi Jain,
Advs. for R-2.

Mr. Amit Saxena ASC for R-3
with Mr. Ravi K. Chandra &
Mr. Nikhil Kr. Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present petition has been filed by the Petitioner, widow of Late Sh. Nitin, seeking a direction to the Respondents for release of an amount of Rs. 1,00,00,000/- under Cabinet Decision No.2835 dated 13.05.2020, as amended by Cabinet Decision No.3065 dated 31.01.2022, on the ground that her husband, an employee of the New Delhi Municipal Council (NDMC), succumbed to COVID-19 while discharging his duties during the pandemic.



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2. Succinctly stated, the Petitioner claims that her husband was working as a *Beldar* in the Department of Civil Engineering, NDMC since 2010. It is averred that he tested positive for COVID-19 (SARS-CoV-2) on 28.05.2020, was admitted to Lok Nayak Hospital on 30.05.2020 and unfortunately expired on 31.05.2020.

3. It has been urged in the petition, that since 08.07.2020, the Petitioner filed multiple applications before the Respondent Authorities seeking *ex gratia* compensation of Rs 1,00,00,000/- in terms of the Cabinet Decision No. 2835 dated 13.05.2020, as her husband was, allegedly, a frontline worker and had contracted the infection during the course of performing his routine duties. However, the Respondent authorities failed to disburse any amount or furnish a reply to the applications.

4. It has also been urged that in October 2022, NDMC, has released/granted to the Petitioner: - (i) Rs. 50,000/- and Rs. 15,00,000/- as compensation/welfare assistance; (ii) leave encashment of Rs, 2,30,021/-; (iii) 100% of admissible NPS benefits and (iv) compassionate appointment, which itself demonstrates that NDMC had treated the deceased as a COVID-19/frontline worker.

5. It has also been urged that a formal representation was submitted before the Hon'ble Chief Minister, GNCTD, SDC (Revenue) and Commissioner (NDMC) on 23.06.2026, however, no action was taken or response has been furnished till date.

6. A Formal Complaint was then registered on 25.06.2026, which was responded to, by the NDMC, *vide* letter dated 24.07.2026, stating that already amount has been paid and no further amount is payable by



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NDMC. The same is reproduced herein below: -

“OFFICE OF THE SECTION OFFICE NEW DELHI
MUNICIPAL COUNCIL ROOM NO.9004, 9th FLOOR
PALIKA KENDRA, NEW DELHI-110001

D-734/ SO(CE-1)/2026

Dated: 24/07/2026

To,

Shri Bharat Bhusan, Advocate,
of Mrs. Poonam,
R/o 164-B, Ekata Enclave,
Peeragarhi,
Delhi-110087

Subject: Complaint regarding not releasing of Rs. 1 crore due to death in Covid-19 pandemic filed by Shri Bharat Bhushan Advocate on behalf of Mrs. Poonam.

Reference: Complaint No. 13008260000037 dated 25.06.2026.

Sir, I am directed to refer to your communication/legal notice dated 25.06.2026 regarding the demand for release of financial assistance/compensation of Rs. 1.00 crore in respect of the death of late Shri Nitin and to state that the matter has been examined in light of the records available in this office.

2. It is observed that, after the death of late Shri Nitin, the following dues/benefits have already been released/provided to his legally wedded wife, Mrs. Poonam: i. An amount of Rs. 50,000/- and Rs. 15,00,000/- (Rupees Fifteen Lakh only) was released as compensation/welfare assistance vide Office Order No. 875/LWD/2020 dated 02.05.2020. ii. Leave encashment amounting to Rs. 2,30,021/- was paid to her in October 2022. iii 100% of the admissible NPS benefits were released to her. iv. Compassionate appointment was also provided to her in place of her late husband.

3. It is further stated that NDMC has a policy for release of compensation of Rs. 15.00 lakh **in cases where an employee dies during the COVID-19 pandemic.** In the case of late Shri Nitin, the said amount has already been released to Mrs. Poonam in accordance with the applicable policy.

4. As regards the demand for release of 1.00 crore, it is stated that no such payment is payable by NDMC under the policy applicable to the case. The demand for 1.00 crore appears to relate to a scheme/policy of the



Government of NCT of Delhi and does not pertain to NDMC.

5. In view of the above, the claim for release of an additional amount of Rs.1.00 crore from NDMC is not maintainable. The claimant may, if so advised, approach the concerned department/authority of the Government of NCT of Delhi in respect of any benefit claimed under a scheme/policy of that Government.

6. This is issued with the approval of the competent authority.”

7. However, no decision or communication to the above complaint has been ever received by the Petitioner from the GNCTD and thus, the present petition has been filed.

8. The learned Counsel for the Respondents submits that the petition suffers from an unexplained six-year delay, noting the deceased died in May 2020 and the Petitioner first represented the claim in June 2026. A belated representation cannot revive a stale claim, nor create a fresh cause of action without an official rejection order. On merits, it has been contended the Petitioner failed to prove the deceased was specifically deployed for COVID-19 duties under Cabinet Decision No.2835.

9. The Court has considered the submissions.

10. The first aspect which merits consideration is the delay and laches. The deceased expired on 31.05.2020. The Petitioner has not placed on record any representation, application, recommendation or other contemporaneous material showing that a claim for the benefit of Cabinet Decision No.2835 was pursued before the concerned authorities at any time between 2020 and 2026. The first representation which has been relied upon is dated 23.06.2026. The subsequent submission of a representation cannot, by itself, revive an



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otherwise stale claim or furnish a fresh cause of action for invoking the writ jurisdiction of this Court. Though, there is no strict statutory limitation period prescribed for filing a writ petition, courts may reject petitions if they suffer from undue delay and laches or action is not taken within a "*reasonable time*".

11. The Court is conscious that the relief sought by the Petitioner arises out of a welfare measure formulated during an unprecedented pandemic. However, the nature of the relief cannot dispense with the requirement that a stale claim be brought before the Court within a reasonable period. In the present case, no explanation sufficient to account for the prolonged silence between the death of the deceased in May 2020 and the first representation in June 2026 has been placed before this Court.

12. Even the subsequent communication issued by NDMC dated 24.07.2026 does not alter the position, as the same merely records that NDMC had already released Rs.15 lakh under its applicable COVID-19 compensation policy, apart from other service benefits, and clarifies that the additional claim of Rs.1 crore does not arise under the NDMC policy but pertains to a scheme of the GNCTD. The said communication, therefore, merely identifies the authority under whose scheme the Petitioner seeks to claim the additional amount and it does not create or revive an otherwise stale claim.

13. On merits, the claim also does not stand established on the material presently placed before this Court. Admittedly there is no Rejection or approval order by the GNCTD. The Petitioner has claimed the benefit of the cabinet decision, which reads as under: -



“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.”

14. It is discernible from the aforementioned Cabinet Decision that the same does not make the mere occurrence of a COVID-19 death during the pandemic sufficient for payment of Rs. 1 crore. The decision specifically contemplates a person having been ***“deployed for COVID-19 duties by Government of NCT of Delhi”*** and contracting the disease during discharge of such duty. The concerned Department/Agency was also required to submit the case with its recommendation and supporting material for processing of the claim.

15. The Petitioner has principally relied upon the fact that NDMC released Rs.15 lakh to her under its separate COVID-19 compensation scheme. Even if this Court accepts that the contemporaneous NDMC



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scheme did provide compensation of Rs.15 lakh in cases of death due to COVID-19 while on duty and contemplated employees who were attending duties and whose death was attributable to COVID-19 and the scheme was not, therefore, an ordinary service benefit payable on every death during the pandemic, the payment of Rs.15 lakh under the NDMC scheme cannot, by itself, be treated as a conclusive determination that the deceased satisfied the distinct eligibility requirement under Cabinet Decision No.2835. The two schemes are separate schemes framed by different authorities.

16. More importantly, the Petitioner has not placed on record the order, recommendation, scrutiny report or other contemporaneous record on the basis of which NDMC sanctioned the amount of Rs.15 lakh in the particular case of the deceased.

17. Significantly, no duty roster, deployment order, posting order, certificate of COVID-duty, recommendation of the concerned department, or other contemporaneous material has been placed on record to show the nature of duties being performed by the deceased during the relevant period. The petition describes him as a *Beldar* in the Civil Engineering Department, but does not set out, with supporting material, that he was specifically *deployed for COVID-19 duties*. Discharging *routine duties*, that may have been crucial to public welfare during the pandemic, would not be covered under the Cabinet Decision No. 2835 dated 13.05.2020 since the same, as discussed above, covered only those employees who were *deployed for COVID-19 duties*. Recently, the Division Bench of this Court had also affirmed the distinction between routine duties and COVID-19



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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 and was discharging routine duties as Beldar.

18. In any event, the petition suffers from a more fundamental infirmity of unexplained delay and laches. The Court exercising jurisdiction under Article 226 cannot permit a claim arising out of an event of May 2020 to be revived merely by submission of a representation in June 2026, particularly when no contemporaneous pursuit of the claim has been demonstrated.

19. In view of the aforesaid, in the peculiar facts of the present case, this Court finds no ground to entertain the present petition. The same is accordingly dismissed on the ground of unexplained delay and laches.

20. The petition, along with the pending applications, if any, stands disposed of.

AMIT MAHAJAN, J

SEPTEMBER 24, 2026
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