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

+ **W.P.(C) 16201/2023**

Date of Decision: **11.03.2026**

**IN THE MATTER OF:**

SMT. RAM DULARI AND ORS

.....Petitioner

Through: Mr Manish Maini , Ms.Anjali Singh,  
Advocates.

versus

GOVT OF NCT OF DELHI ND ORS

.....Respondents

Through: Ms Avni Singh Panel, Counsel for  
GNCTD

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV**

**J U D G E M E N T**

**PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The petition has been filed for the following reliefs:

*“a) Directing Respondent No. 1 to 4 to immediately grant and release the Exgratia amount of Rs. 1,00,00,000/- (Rs. One Crore only) along with interest @ 12% p.a. in favor of the Petitioners from the date of death ie.... 12.07.2020 till realization.*

*b) Direct Respondent no.1 to 4 to pay the litigation expenses to the Petitioners to the tune of Rs. 2,00,000/- and another sum of Rs. 5,00,000/- for the mental agony, mental pain and hardship suffered for pursuing their remedies for the last 3 years.*

*c) Direct Respondent No.5/ DTC to file on record the duty roaster from March'2020 to July'2020 of the deceased Sh. Bharat Singh, Permanent*



*Driver (DTC Rohini Depot-II]) having permanent Batch no. 23946 and Token no. 65932.*

*d) Such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances may also be passed.”*

2. The matter was called out for hearing on 15.12.2023 and the Court had directed for the issuance of notice to the respondents.

3. The respondent no.5 i.e., Delhi Transport Corporation ('DTC'), who is the employer, has filed the reply, however, no reply was filed by respondents-Government of NCT of Delhi (hereinafter "GNCTD").

4. On 26.07.2024 and 18.11.2024, the Court granted further time to the respondent nos. 1 to 4 i.e., all of them being arms of the GNCTD, to file a reply. Despite the same, unfortunately, no steps were taken by the GNCTD.

5. It appears that since reply was not being filed, therefore, the matter was directed to be listed before the Court of the Joint Registrar, and the Joint Registrar on 14.01.2025 and 10.07.2025 granted respondent nos. 1 to 4 an opportunity to file reply.

6. On 11.02.2026, since no reply was forthcoming despite a number of opportunities being granted to the GNCTD, the Court had to pass the following directions:

*“2. Looking at the nature of the grievance it is appropriate to direct the respondents to take instructions and to positively file the reply within a period of two weeks. If the reply is not filed within a period of two weeks, the Court will have to take coercive steps against the respondents.*

*3. It be noted that that directions to file the reply was issued way back in the year 2023, and on 10.07.2025, the opportunity to file the reply was closed.*

*4. Further, liberty is granted to the respondents to file the reply in view of the facts and situation involved in the case.”*

7. Till date, there is no reply on behalf of the respondents. During the



course of the hearing, learned counsel for the respondents has brought on record a copy of the decision dated 16.10.2023 taken by the Group of Ministers (hereinafter “GoM”) to indicate that the claim of the petitioner has been rejected by the GoM in the meeting which was conducted on 13.09.2023. The following is the decision taken on 16.10.2023:

*" To,  
The Managing Director,  
Delhi Transport Corporation (HQ),  
Govt. of NCT of Delhi,  
I.P. Estate, New Delhi-110002.*

*Sub: Proposal for grant of ex-gratia of Rs One Crore to the family of deceased employees of DTC, expired due to illness (COVID-19+).*

*Sir/Madam,*

*With reference to above cited subject, I am directed to inform that the case files of following deceased employees of DTC were placed before the Group of Ministers (GoM) in the meeting held on 13.09.2023. The observation of the GoM is as under:*

<i>S. No.</i>	<i>Name &amp; Designation</i>	<i>Place of Posting</i>	<i>Date of Death</i>	<i>Observation of GoM</i>
<i>1.</i>	<i>Sh. Hari Om, Conductor</i>	<i>Keshopur Depot, Delhi Transport Corporation</i>	<i>16.04.2021</i>	<i>The deceased were performing their routine duty as Conductor/Senior Manager/Driver which though may be termed as an essential services, however, it is in no way on Covid duty or even Covid related duties involving treatment, facilitation or care of Covid patients. They were not performing specific duties like patient care duties/duty in a containment zone during COVID-19 pandemic /working in COVID designated hospital/special COVID relief work.</i>
<i>2.</i>	<i>Sh. Jai Lal Kapoor, Ex-Senior Manager</i>	<i>Delhi Transport Corporation (HQ)</i>	<i>18.04.2021</i>	
<i>3.</i>	<i>Sh. Bharat Singh, Driver</i>	<i>Rohini Depot-II, DTC</i>	<i>12.07.2020</i>	



*Accordingly, the Competent Authority has decided that the aforesaid cases are NOT covered under the provisions of Cabinet Decision No. 2835 dated 13.05.2020.*

*Yours faithfully,*

*-sd-*

*SDM-II (HQ)"*

8. The present matter will, therefore, have to be, finally, decided on merits.

9. The petitioners herein are the widow, mother and children of the deceased late Sh. Bharat Singh who expired on 12.07.2020 due to COVID-19. The petitioners have approached this Court seeking relief of ex-gratia compensation of Rs. 1 Crore from the respondents.

10. It appears from the facts that the GNCTD *vide* a Cabinet decision, which culminated into the passing of Circular dated 19.04.2020 had taken a decision for grant of ex-gratia compensation to the family of the employees who died of the COVID-19 disease while on COVID-19 duty. The relevant portion of the said circular is extracted as under:

*"In partial modification of order No. 11/13/H&FW/HR-M/2020/CD-1126000847/881-890, dated 07/04/2020 the Govt. of NCT of Delhi vide Cabinet Decision No. 2824, dated 18/04/2020 the following is decided with respect to Awarding compensation to family of employees who die of COVID-19 disease while on COVID-19 duty.*

*"Any person including Doctor, Nurse, Para-Medical Staff, Security/Sanitation Staff, or any other Government 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 compensated with ex-gratia amount of Rupees One Crore, posthumously."*

11. Learned counsel for the petitioner submits that the deceased was a



frontline worker and had been deployed for transportation of migrant workers as he was a permanent driver of respondent no. 5 i.e., the DTC. It is stated that he lost his life after contracting COVID-19. The reply of respondent no. 5-DTC, indicates that the deceased was a driver with the DTC and as per its record performed his last duty on 03.07.2020. It is further stated in the reply of the DTC that the deceased was admitted to Guru Teg Bahadur Hospital, Shahdara on 11.07.2020, and he expired on 12.07.2020. A 'Certificate of Death Due to Covid' dated 05.11.2020 was further issued by the GNCTD, Directorate General of Health Services (Nursing Home Cell). The same is extracted as under:

“CERTIFICATION OF DEATH DUE TO COVID

*It is certified that the Case Sheet along with Death Summary and COVID Test report of late Bharat Singh S/o Girdhari Lal 52 yrs/ Male was received by Death Audit Committee from Guru Teg Bahadur Hospital through email.*

*The Death Audit Committee, constituted vide Order No. 52/DGHS/PH-IV/COVID- 19/prsecyhfw/5204-58 dated 20.04.2020, examined the case records in respect of Late Bharat Singh S/o Girdhari Lai 52 Yrs/Male, as recorded in the death summary issued by Guru Teg Bahadur Hospital through email.*

*It was found that he died due to COVID-19 on 12.07.2020. The primary cause of death is COVID-19 (ICD-10 coding U07.1) and was reported by the Death Audit Committee in its report dated 13.07.2020 as per “Guidance for appropriate recording of COVID-19 related deaths in India” issued by ICMR/NCDIR on 10.05.2020.”*

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.

13. The observation of the GoM, seems to restrict the operation of the Cabinet decision only to those individuals who were performing specific duties like patient care duties/duty in a containment zone during COVID-19 pandemic/working in COVID designated hospital/special COVID relief work. Such a curtailment is *de hors* the scheme of the circular and does not, in any manner, bear out from the same. There is no difference between COVID-19 duty and routine duty and any artificial distinction sought to be created, would be arbitrary and unsustainable in the eyes of law.

14. While the conclusion being reached by the Court is based exclusively on the text, object and purpose of the Cabinet Decision, a brief reference may also be made to the manner in which the Govt. announced the said Cabinet Decision, as reported by reputed news agencies:

*“We started the scheme to cover any doctor, nurse, lab technician or hospital sanitation worker contracting the infection and dying during the course of duty,” Kejriwal said. “There are other people too who are looking after corona patients - policemen, civil defence volunteers, teachers and fire service personnel. If anyone contracts coronavirus and dies while attending to corona patients, their families will also be given Rs 1 crore.”<sup>1</sup>*

*“Those serving the coronavirus patients are “no less than soldiers protecting the country”...”During a war, a soldier protects his country, risks his life.... our whole nation is indebted to them. Today, the job that you guys (health workers) are doing is no less than that of a soldier. You are*

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<sup>1</sup> Alok KN Mishra, ‘Delhi Govt. Expands Reach of Rs. 1 Cr. Compensation’, The Economic Times, 19<sup>th</sup> April, 2020, accessible at <<https://economictimes.indiatimes.com/news/politics-and-nation/delhi-govt-expands-reach-of-rs-1-cr-compensation/articleshow/75229622.cms?from=mdr>>.



*risking your life to save people of this country,”*

*“Delhi government had earlier announced that if any soldier dies while protecting the country, his family will be given Rs 1 crore. Today, as a mark of respect, I want to announce that if unfortunately, any health worker - a sanitation worker, doctor or nurse - is martyred while serving COVID-19 patients, their families will be given Rs 1 crore. Whether they are from private or government sector... it doesn't matter”<sup>2</sup>*

15. When the petitioner was admittedly deployed for performing his duty for transportation of migrant workers, in no case, it can be said that the petitioner was not deployed for COVID-19 duty. Reference may also be made to the decision with respect to another DTC driver, namely, late Sh. Lal Singh, who was almost similarly placed as the petitioner, and was granted *ex-gratia* compensation.

16. It is, thus, palpably apparent that the petitioner is eligible for the *ex-gratia* amount of Rs. 1 Crore under the Cabinet decision, which culminated into the Circular dated 19.04.2020.

17. The Court, therefore, directs the respondents to grant petitioners the *ex-gratia* compensation of Rs. 1 crore within a period of six (6) weeks from today.

18. With the aforesaid direction, the petition, along with pending application(s), if any, stands disposed of.

19. List on 04.05.2026 for compliance and consideration as to on what rate the interest has to be provided.

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**

**MARCH 11, 2026/aks/ksr**

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<sup>2</sup> Swati Bhasin, ‘Rs. 1 Crore for Families of COVID-19 Warriors If They Die’, 14<sup>th</sup> April, 2020, accessible at <https://www.ndtv.com/india-news/arvind-kejriwal-announces-rs-1-crore-for-families-of-health-personnel-if-they-lose-their-lives-while-2204204>.