



2026:DHC:2497



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI****W.P.(C) 5863/2024**Date of Decision: **18.03.2026****IN THE MATTER OF:**

NARENDER KUMAR

.....Petitioner

Through: Mr. Bharat Bhushan, Mr. Aakash Jain  
and Mr. Riya Jha, Advocates.

versus

THE GOVERNMENT OF NCT OF DELHI &amp; ANR.

.....Respondents

Through: Mr.Samarth Tyagi and Mr. Chetanya  
Singh, Advocates for R-2.**CORAM:****HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV****JUDGEMENT****PURUSHAINDR KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

*“(i) Issue a writ of mandamus or any other appropriate writ or order in the nature thereof, directing the respondent no.1 & 2 to take all necessary steps to pass an award of ex-gratia compensation of Rs.1 crore in favour of the Petitioner. In view of Cabinet decision Decision No.2835 dated 13.05.2020 as well as Cabinet Decision No.3065 dated 31.01.2022*

*(ii) Issue such other writ or pass such other order or direction as may be deemed just and proper in the facts and circumstances of the case.”*

2. The petitioner is the son of late Smt. Om Vati, who during the period of the COVID-19 pandemic, with honour and sacrifice served the Country as a Safari Karamchari. She was deployed to conduct road sweeping in the



Najafgarh Zone, which included collecting COVID-19 related household waste and sweeping contaminated zones. The deceased upon being admitted to the Vikas Hospital in Najafgarh on 08.05.2021, succumbed to the COVID-19 disease and passed away on 10.05.2021.

3. The Cabinet Decision *vide* which the Govt. Of NCT of Delhi decided to grant *ex gratia* amount of INR 1 Crore is extracted as under:-

***“CABINET DECISION NO. 2835 DATED 13.05.2020***

***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.”*

4. The respondent no. 1-GNCTD, through their Status Report dated 03.07.2025 have brought to the notice of the Court a decision taken by the Group of Ministers in its meeting dated 13.09.2023, whereby the claim of the petitioner to the *ex gratia* compensation of INR 1 Crore has been rejected. The sole reason to deny the benefit of the Cabinet Decision is that the petitioner was performing ‘Routine Duty’ as Safai Karamchhari and not



‘Covid Duty’.

5. The respondents in their Status Report, however, admit that the deceased late Smt. Omvati, a Safai Karamchhari, was rendering “*essential services*”. The Minutes of Meeting held on 13.09.2023 records the said fact.

6. There exists no meaningful difference between a “*routine duty*” and “*COVID duty*”, which would warrant the claim of the petitioner to be rejected by the respondents. This Court in ***Smt. Ram Dulari and Ors. vs. Govt of NCT of Delhi and Ors.***,<sup>1</sup> has held that any attempt to create such an artificial distinction is arbitrary and unsustainable in the eyes of law. Ultimately, in almost similar circumstances, the Court directed for grant of *ex gratia* compensation to the dependant of the deceased. Paragraph nos.12 to 16 of the said decision are extracted 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.*

*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.*

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<sup>1</sup> W.P.(C) 16201/2023, order dated 11.03.2026



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>2</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 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>3</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.”

7. In view thereof, the impugned decision stands set aside. Respondent

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<sup>2</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>>.

<sup>3</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->



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no.1 is directed to disburse the *ex gratia* compensation of Rs. 1 Crore to the petitioner within a period of six weeks from today.

8. List this matter for compliance on 14.05.2026.

**PURUSHAINdra KUMAR KAURAV, J**

**MARCH 18, 2026**

*Nc*