



2026:DHC:8284



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: September 23rd, 2026***# **CNR No. DLHC010455712026**

+ W.P.(C) 14029/2026 & CM APPL. 65643/2026, CM APPL. 65644/2026

KAMLESH

.....Petitioner

Through: Mr. Bharat Bhushan, Advocate
(through VC).

versus

THE GOVT OF NCT OF DELHI & ORS.Respondents

Through: Ms. Avni Singh, Panel Counsel
GNCTD with Ms. Harshita Raj,
Advocate.Mr. Anand Prakash, Standing
Counsel for MCD with Ms.
Varsha Arya, Advocate.**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioner challenges the order dated 24.01.2024 passed by the concerned authorities whereby the claim of the petitioner for grant of *ex gratia* compensation of ₹1,00,00,000/- on account of the death of her husband on 17.06.2020 due to COVID-19 was rejected.

2. Succinctly stated, the petitioner's husband was appointed and had been discharging his duties as a *Safai Karamchari* with the New Delhi Municipal Corporation since the year 2003. The petitioner's husband tested positive for COVID-19 on 13.06.2020 and he

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KAUR
Signing Date: 24.09.2026
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eventually succumbed to the infection on 17.06.2020.

3. Thereafter, the petitioner, in consonance with the Cabinet Decision No. 2835 dated 13.05.2020, gave a representation to the respondent authorities for grant of *ex gratia* compensation of ₹1,00,00,000/- on account of the death of her husband. The petitioner's claim was rejected by order dated 24.01.2024 wherein it was observed as follows:

"Madam,

With reference to your representation dated 27.12.2023 addressed to Sh. Raaj Kumar Anand, Cabinet Minister, GNCTD regarding subject cited above, I am directed to inform that the case file of Late Sh. Kamal Kishore, Safai Karamchari was placed before the Group of Ministers (GoM) in the meeting held on 13.09.2023. The GoM noted that the most of the officers/officials working in Govt. departments including Police department were performing their routine duty during Covid, though subject to certain restrictions imposed by the Competent Authority. It was further noted that the deceased was performing his routine duty as Safai Karamchari which though may be termed as an essential service, however, it is in no way on Covid duty or even Covid related duties involving treatment, facilitation or care of Covid patients.

Accordingly, the Competent Authority has decided that the case is NOT covered under the provisions of Cabinet Decision No. 2835 dated 13.05.2020."

4. Aggrieved by the same, the petitioner has preferred the present petition.

5. The grievance expressed by the petitioner before this Court is that since the petitioner's husband had contracted the infection during the course of performing his routine duties, he is liable to be paid the *ex gratia* compensation in line with the Cabinet Decision No. 2835 dated 13.05.2020.

6. On the other hand, the learned counsel for the respondent has refuted the claim of the petitioner and has placed reliance on the



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recent decision passed by the Division Bench of this Court in the case of ***Prem Wati & Ors. v. Govt. of NCT & Ors. : 2026:DHC:6749-DB*** to contend that there is a distinction between COVID-19 duties and routine duties.

7. Before this Court ventures to examine the merits of the claim of the petitioner, it is apposite to take note of 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)

8. From a reading of the Cabinet Decision No. 2835 dated 13.05.2020 as quoted *supra*, it is apparent 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.

9. Recently, as relied upon by the learned counsel for the respondents, the Division Bench of this Court had affirmed the distinction between routine duties and COVID-19 duties in the case of



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Prem Wati & Ors. v. Govt. of NCT & Ors. (supra), 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.

10. In the present case as well, while the petitioner claims that her husband had died after contracting the infection during the course of discharge of his duties, it is not her case that her husband was assigned any COVID-19 duties. Consequently, though the petitioner's husband 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.

11. The present petition is accordingly dismissed.

12. Pending applications also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 23, 2026/DV