

Delhi High Court

Girija Devi vs The State Of Gncet Of Delhi Through Its ... on 4 September, 2025

Author: Tushar Rao Gedela

Bench: Tushar Rao Gedela

* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Judgment reserved on:
25.08.2025 Judgment
delivered on: 04.09.2025 + LPA 45/2025 & CM
APPL. 3201/2025 GIRIJA
DEVI ...Appellant
versus
THE STATE OF GNCT OF DELHI THROUGH
ITS CHIEF SECRETARY & ORS.
...Respondents Advocates who appeared in this case:
For the Appellant : Mr. Raja Choudhary with Mr.
Kapil Kumar Sharma, Mr. Dhruv
Tiwari, Ms. Anushika Mishra,
Mr. Devender, Advocates. For the Respondents
: Mr. Anubhav Gupta, Advocate for GNCTD with
Mr. Bishamber Nath, SDM.
Mr. Manu Chaturvedi, S.C.
with Mr. Ram Kishan Bharti, A.D.(Education)
for MCD. CORAM: HON'BLE THE
CHIEF JUSTICE HON'BLE MR. JUSTICE TUSHAR RAO GEDELA
JUDGMENT

TUSHAR RAO GEDELA, J.

1. Present Letters Patent Appeal has been filed challenging the order dated 28.11.2024 passed by the learned Single Judge whereby the writ petition bearing W.P.(C) 15278/2024 titled "Girija Devi vs. The State of GNCT of Delhi, Through The Chief Secretary & Ors." filed by the appellant was dismissed, holding that the deceased husband of the appellant was not on covid duty at the relevant time and thus, disentitling her from ex-gratia compensation.

2. Briefly, the case of the appellant is that the appellant's husband, Late Mr. Shivnath Prasad had joined the services of GNCT of Delhi as Assistant Teacher on 05.05.1993 and at the relevant time, was rendering services as the Principal of the MCD Primary Boy's School, Nithari No.2/II. On 25.03.2020, a nationwide lockdown due to COVID-19 pandemic was announced. Keeping in view the nature of the pandemic, and having regard to the fact that essential services have to continue, both the Central as well as the State Governments had passed orders and directions to their employees to render services which were felt by the Government necessary and expedient to discharge. Keeping in view the nature of the pandemic and the large number of deaths being

caused on that count, the GNCTD through a Cabinet decision no.2835 dated 13.05.2020 rolled out a scheme that if any person who is a government officer/official deployed for COVID-19 duties expires by contracting the disease during discharge of his/her duties in relation thereto, his/her family will be paid an ex-gratia amount of Rs.1 crore, posthumously.

3. By the letter dated 13.04.2021, the Department of Education under the administrative control of the erstwhile North Delhi Municipal Corporation, issued an Office Order stating, inter alia, that, "all the DDEs and ADEs will ensure that all the offices of the Education Department shall function with officers of the level of Grade 1/Equivalent and above to the extent of 100% strength. The remaining staff will attend up to 50% in all cadres, the percentage of attendance on a day shall be 50% of the total strength/cader wise (remaining 50% of the staff will work from home) till 30.04.21 or till further order, whichever is earlier...".

4. It is the case of the appellant that her husband was deployed for discharging various duties including COVID-19 related duty during the said period. The appellant claims that her late husband tested for COVID and was found positive on 24.04.2021 which, according to her, was contracted during his period of discharge of COVID-19 related duties in the school he was attached to. It is claimed that on 25.04.2021, the late husband of the appellant was admitted to Navjeevan Hospital, Pitampura, Delhi due to severe breathlessness, and unfortunately, he passed away at the aforesaid hospital on 28.04.2021 on account of having been infected with novel corona virus.

5. In accordance with the aforesaid Cabinet decision dated 13.05.2020, the appellant submitted an application seeking ex-gratia amount as stipulated, on the premise that her late husband had passed away on account of contracting corona virus while discharging duties relatable to COVID-19 duties. In the interregnum, it appears that the file of the deceased husband of the appellant was being processed in the Revenue Department of the GNCTD. By the letter dated 17.08.2021, the Sub-Divisional Magistrate [hereinafter referred to as "SDM-II (HQ)"] requested the Deputy Commissioner (Labour) of the NDMC that in respect of the grant of ex- gratia amount of Rs.1 crore to the family of Late Mr. Shivnath Prasad, documents other than those already furnished were required seeking, inter alia, (i) report of Death Audit Committee of the deceased; (ii) Deployment Order for COVID-19 duty and; (iii) cancelled cheque, account details and Aadhar card copy in respect of parents of deceased, if alive and death certificate of parents, if the parents of the deceased are not alive.

6. Pursuant to the aforesaid communication of the SDM-II (HQ), office of the Deputy Director of Education, Rohini Zone, NDMC (hereinafter referred to as "DDE") issued an office letter dated 08.09.2021 requiring the appellant to submit the requisite documents. Copy of the said officer letter was furnished to the appellant for necessary action. The concerned Principal of the school at the time was also requested to provide the Deployment Order for COVID-19 duties in respect of the late husband of the appellant. Thereafter, on 17.09.2021, the DDE sent a letter to the appellant clarifying that her file has some objections and the amount should not be considered as approved yet.

7. It was by the impugned letter dated 27.12.2021 that the Revenue Department, Relief Branch, GNCTD rejected the claim of the appellant finding her ineligible to receive the ex-gratia assistance of Rs.1 crore, on the ground that she is not eligible under the policy framed by the Cabinet decision no.2835 dated 13.05.2020. It was stated that the mandatory condition that the deceased government officer/official for the purposes of his family members being entitled to ex-gratia amount, was required to be deployed on COVID-19 related duty and since her late husband was on regular duty when he

unfortunately contracted corona virus and succumbed to the same, the appellant was not entitled to receive any ex-gratia relief.

8. Subsequently, the Principal, MCD Primary Boys' School, Nithari vide letter dated 24.04.2023 addressed the DDE, Rohini Zone clarifying that amongst other duties, the late husband of the appellant was also deployed for rendering COVID-19 duties like getting the COVID-19 vaccinations administered.

9. We have heard learned counsel for the appellant as also for the respondents, examined the impugned judgment and scrutinized the documents on record.

10. Certain undisputed facts need to be expressed before rendering an opinion in the present appeal. The late husband of the appellant had joined services of the GNCT of Delhi as Assistant Teacher on 05.05.1993 and at the relevant time, was rendering services as a Principal of the school, till the date of his unfortunate demise. On account of COVID-19 pandemic, the Government had announced a nationwide lockdown on 25.03.2020. Having regard to the fact that despite lockdown, certain essential services needed to be continued, both, the Central as also the State Governments passed directions to their employees to render services which were necessary and expedient. Since the pandemic had caused large scale and unprecedented deaths, the GNCTD through a Cabinet decision no.2835 dated 13.05.2020 rolled out a scheme whereby if any Government Officer deployed for COVID-19 duties expires by contracting the said disease, during discharge of duties in relation thereto, his kith and kin will be paid an ex-gratia amount of Rs. 1 crore.

11. It is not disputed that vide letter dated 13.04.2021, the Department of Education directed that officers of the level of Grade I/Equivalent and above to the extent of 100% strength would attend the offices and the remaining staff in other cadres will attend upto 50% till 30.04.2021 or till further orders, whichever is earlier. Undoubtedly, the late husband of the appellant was on duty at the relevant point in time in the month of April, 2021 shortly before he contracted novel corona virus and unfortunately, he passed away on 28.04.2021. The moot question which needs consideration of this Court in the aforesaid facts is as to whether the late husband of the appellant was deployed on "COVID-19 duties". The respondents do not dispute that during the month of April, 2021, the late husband of the appellant was indeed discharging duties as Principal of the MCD Primary Boys' School, Nithari No.2/II, Delhi. Whether or not the duties so rendered were "COVID-19 duties" is to be ascertained.

12. As per the material on record, the application of the appellant was under consideration of the GNCTD in accordance with the extant policy. By the communication dated 17.08.2021, the SDM-II (HQ) communicated his request to the Deputy Commissioner (Labour) of the NDMC seeking verification of the antecedents of the letter of the appellant seeking grant of ex-gratia amount of Rs.1 crore on account of death of her husband and also required furnishing of the following documents, (i) report of Death Audit Committee of the deceased; (ii) Deployment Order for COVID-19 duty and; (iii) cancelled cheque, account details and Aadhar card copy in respect of parents of deceased, if alive and death certificate of parents, if the parents of the deceased are not alive.

13. The Labour Commissioner, in turn, forwarded the said request to the DDE, Rohini Zone, which by the office letter dated 08.09.2021 required the appellant to submit the said documents. Records indicate that the copy of this office letter also appears to have been marked to the Principal of the said school. Premised on the undated letter of the Principal, which did not clarify whether the late husband of the appellant was deployed

on COVID- 19 duties, the Revenue Department, Relief Branch, GNCTD rejected the claim of the appellant by the impugned letter dated 27.12.2021.

14. It appears that on the request of the appellant, subsequently by the letter dated 24.04.2023, the Principal of the MCD Primary Boys' School, Nithari No.2/II had issued a letter/Deployment Order indicating that the late husband of the appellant was deployed to discharge various functions including COVID-19 duties. In that, the late husband was deployed in the school in relation to administration of COVID-19 vaccination at the relevant time.

15. It would be necessary to consider the letter dated 24.04.2023 issued by the Principal, MCD Primary Boys' School, Nithari No.2/II, Delhi. Though the English translated copy of the vernacular version of the said letter is available on record, yet, for the purpose of understanding, appreciating and determining the dispute, we feel it apposite to extract the letter dated 24.04.2023 in vernacular too. The same reads thus:-

Signing Date:04.09.2025 16:13:47 The English version of the said letter is reproduced hereunder:-

16. Though there is nothing on record to indicate as to on what account the aforesaid letter was issued by the Principal of the school, yet, the contents thereof, on confronting the learned counsel for the MCD, were not denied. It is relevant to note that as on the date of the death of the appellant's husband, he was discharging his duties as a Principal of the said school. It is quite logical and aligns with common sense to assume that the late husband of the appellant, who was discharging his duties as Principal of the said school, would be a person responsible to assign duties to the staff under him, including those related to COVID-19 duties. It would be quite illogical to expect that a school where COVID-19 related duties to the extent of administering COVID-19 vaccinations were being discharged by the staff, the Principal would have to assign himself COVID-19 related duties. After all, being the Head of the Institution, it is quite normal to expect such Head of the Institution to be present and supervise, while such duties i.e. COVID-19 duties are being discharged by the staff and the faculty under him. Undoubtedly, the late husband of the appellant would surely be exposed to the imminent danger of being vulnerable to contracting corona virus. The virulent nature of the virus is well known and being an air borne endemic, the late husband of the appellant would be extremely susceptible to exposure. It is well documented, that too, by medical experts all over the world that the corona virus was mutating and ever evolving into myriad versions of itself, posing the greatest challenges to the best and most fertile medical minds. Thus, a restricted and highly constricted view cannot be taken. Though, a submission was addressed on behalf of the learned counsel for MCD that this particular school at Nithari No.2/II, Rohini was not discharging any COVID-19 related duties, however, no document worth its salt was placed before this Court to indicate as to whether this particular school was or was not discharging any COVID-19 related duties at all.

17. The MCD, being the institution maintaining records of all its schools and other bodies, was obligated under law to produce all relevant materials to establish as to whether the school or its staff was or was not discharging COVID-19 related duties. In the absence of such positive documentary material, this Court is unable to appreciate such submissions and the same are found unmerited. For the same reason, we are unable to permit the MCD to resile from the letter dated 24.04.2023 issued by the Principal of the said school.

18. Having regard to the fact that the letter dated 24.04.2023 clearly specified that the late husband of the appellant was deployed on COVID-19 duties, it is clear that his

death, on contracting novel corona virus was not only relatable but also attributable to the discharge of such specific duties. We are fortified in our above view by the judgment of this Court in *Union of India & Anr. vs. Sangeeta Wahi & Ors.*: 2025 SCC OnLine Del 164. Though the judgment of the Coordinate Bench of this Court in *Sangeeta Wahi* (supra) was rendered in respect of Insurance Scheme floated by Central Government for health workers during COVID-19, the rationale and ratio as to how such benevolent policies ought to be read, interpreted and implemented are squarely applicable to the facts of this case. This Court in the said judgment also relied upon the judgment of the Supreme Court in *New India Assurance Co. Ltd vs. Nusli Neville Wadia*: 2008 (3) SCC 279 wherein the doctrine of "purposive interpretation" was applied to harmoniously construct the real purpose and intent of the Government in rolling out a Welfare Act/Scheme. It would be relevant to extract para nos.11, 12 and 15 of *Sangeeta Wahi* (supra) hereunder:-

"11. Before rendering our opinion, it is felt necessary to extract paras 8 and 9 of the impugned judgment dated 18.10.2023 to examine how pithily learned Single Judge has captured the situation on the ground at the relevant time when COVID-19 was just spreading its tentacles. Para 8 and 9 read thus:

"8. Covid-19 Pandemic struck the country in March, 2020. Lakhs of persons lost their lives in the Pandemic. Police officials, healthcare workers, Doctors, Paramedics, etc. were braving the Pandemic and were in the line of duty to provide assistance to persons who fell victims to the life taking virus. Concerns had been raised regarding the country's healthcare system and its capacity to cope with the massive outbreak. Doctors, nurses, paramedical staff, including security staff in various hospitals, were working day and night to streamline the patients to ensure that the patients are screened at the earliest and are quarantined so that the virus does not spread. Persons who were affected by any fever were in a state of panic and not knowing what is to be done, they were rushing to hospitals not knowing where to go and whom to meet. People were crowding OPDs and the causality in the hospital to get themselves screened. At this juncture, it was these security guards, paramedical staff, who not only ensured the safety of the hospitals but were also acting as guides by directing the patients to approach the correct centre. It, therefore, cannot be said that the security guards who were posted at various places were not in direct contact of Covid-19 patients. It is well known that Covid-19 virus spread through air and any patient who was coming to the hospital could have been infected by the virus, whether he/she was symptomatic or not. The patients got in touch with many service providers, be it security guards, nurses, paramedical staff, who might or might not have been posted in the Covid-19 ward. The Central Government, therefore, cannot take such a narrow approach that only such persons who were posted in the Covid-19 ward or centre only will be covered by the "Pradhan Mantri Garib Kalyan Package : Insurance scheme for health workers fighting COVID-19".

The Scheme was actually brought out as a measure to benefit the family members of persons who became martyrs in the line of duty while protecting thousands of persons affected by Covid-19 Pandemic. Taking such a narrow view actually goes against the spirit of the Scheme which was meant to provide immediate relief to persons who were tackling the situation and were protecting the lives of thousands of patients. This Court can take judicial notice of the fact that any person having mildest of the symptoms of Covid-19 was getting himself/herself tested. Poor people who could not afford private testing centres were rushing to the Government hospitals. A normal person would never know that there is a special Covid-19 ward and his normal reaction would be to approach either the OPD desk or the casualty of the hospital to meet the Doctor. At that

point of time, to streamline the queue, the services of the security guards were availed. The security guards were also directing the people to the Departments where the patients have to approach in order to get themselves treated. It, therefore, cannot be said that the late husband of the Petitioner herein, who died of Covid-19 which he may have contracted in the Hospital, was not in direct contact with the Covid-19 patients.

9. The Scheme has been brought out as a social welfare scheme and application of such schemes are not to be put in Procrustean beds or shrunk to Liliputian dimensions. Welfare Schemes must necessarily receive a broad interpretation. Where Scheme is designated to give relief, the Court should not be inclined to make etymological excursion [refer: Workmen v. American Express International Banking Corpn., (1985) 4 SCC 71]."

To add to the above, this Court can take judicial notice of the fact that not just this country but the whole world was in panic and admittedly no cure was available. The powerful countries of the world as well as the global medical services were brought to their knees in a couple of months, if not days. No one knew how to take precautionary measures and people were falling like ninepins. Thus, this case has to be examined and appreciated in such a context.

12. That said, judicial notice can be taken of the fact that the Ministry of Home Affairs had, vide the notification dated 24.03.2020, declared the spread of novel Coronavirus as "COVID-19 pandemic" based on a similar declaration by the World Health Organisation (WHO). According to the Shorter Oxford English Dictionary, 6th Edition, Volume - 2, published in 2007 defines "pandemic" as "spread or prevalent throughout a country, a continent or the world; of or pertaining to such a disease". Undisputedly, the COVID-19 pandemic had engulfed the whole world in horrendous proportions.

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15. At this juncture it may be apposite to refer to the doctrine of "purposive interpretation" to harmoniously construct the real purpose and intent of the government in rolling out the aforesaid Scheme. Locus classicus on this, is the judgment of the Supreme Court in *New India Assurance Co. Ltd. v. Nusli Neville Wadia*, (2008) 3 SCC 279. The relevant paragraph is reproduced hereunder:

*"51. Except in the first category of cases, as has been noticed by us hereinbefore, Sections 4 and 5 of the Act, in our opinion, may have to be construed differently in view of the decisions rendered by this Court. If the landlord being State within the meaning of Article 12 of the Constitution of India is required to prove fairness and reasonableness on its part in initiating a proceeding, it is for it to show how its prayer meets the constitutional requirements of Article 14 of the Constitution of India. For proper interpretation not only the basic principles of natural justice have to be borne in mind, but also principles of constitutionalism involved therein. With a view to read the provisions of the Act in a proper and effective manner, we are of the opinion that literal interpretation, if given, may give rise to an anomaly or absurdity which must be avoided. So as to enable a superior court to interpret a statute in a reasonable manner, the court must place itself in the chair of a reasonable legislator/author. So done, the rules of purposive construction have to be resorted to which would require the construction of the Act in such a manner so as to see that the object of the Act is fulfilled, which in turn would lead the beneficiary under the statutory scheme to fulfil its constitutional obligations as held by the Court inter alia in *Ashoka Marketing Ltd.* [(1990) 4 SCC 406]*

52. Barak in his exhaustive work on "Purposive Construction"

explains various meanings attributed to the term "purpose". It would be in the fitness of discussion to refer to Purposive Construction in Barak's words:

"Hart and Sachs also appear to treat 'purpose' as a subjective concept. I say 'appear' because, although Hart and Sachs claim that the interpreter should imagine himself or herself in the legislator's shoes, they introduce two elements of objectivity :

First, the interpreter should assume that the legislature is composed of reasonable people seeking to achieve reasonable goals in a reasonable manner; and second, the interpreter should accept the non-rebuttable presumption that members of the legislative body sought to fulfil their constitutional duties in good faith. This formulation allows the interpreter to inquire not into the subjective intent of the author, but rather the intent the author would have had, had he or she acted reasonably."

(Aharon Barak, Purposive Interpretation in Law, (2007) at p.

87.)

53. In Bharat Petroleum Corpn. Ltd. v. Maddula Ratnavalli [(2007) 6 SCC 81] this Court held : (SCC p. 90, para 22) "22. Parliament moreover is presumed to have enacted a reasonable statute [see Breyer, Stephen (2005) : Active Liberty :

Interpreting Our Democratic Constitution, Knopf (Chapter on Statutory Interpretation, p. 99 for 'Reasonable Legislator Presumption')]."

54. The provisions of the Act and the Rules in this case, are, thus required to be construed in the light of the action of the State as envisaged under Article 14 of the Constitution of India. With a view to give effect thereto, the doctrine of purposive construction may have to be taken recourse to. (See Oriental Insurance Co. Ltd. v. Brij Mohan [(2007) 7 SCC 56 : (2007) 3 SCC (Cri) 304 : (2007) 7 Scale 753].)"

Superimposing the aforesaid upon the present Scheme, it is manifest that the government had, keeping in view it being a welfare State, sought to extend its "parens patriae" obligation upon a category of citizens who would be most vulnerable to the onslaught of the novel Coronavirus. All individuals who were likely to be affected either directly or impacted indirectly while performing the duties and responsibilities cast upon them in the most vulnerable and highly likely areas where the virus could have spread even without being negligent about one's health, aka hospitals, public places with large gathering of people etc., to name a few, were to be covered by the said Scheme. On a pointed query, the learned counsel for the appellants fairly admitted that appellant no. 2/hospital was a declared "COVID-19 Hospital/Facility" at the relevant point in time. Following the said interpretation, it is obvious that the Scheme sought to cover all workers, call it "frontline health workers" or anything else, subject of course to their deployment in areas specified by the Scheme. To our mind, any interpretation other than the above, would defeat the purpose and object of the Scheme."

19. Undoubtedly, the policy dated 13.05.2020 of the GNCT of Delhi is a welfare measure, conferring benefits upon a particular class of persons who lost their lives while rendering essential services during the COVID-19 pandemic. While examining applications under such beneficial policies, a narrow and pedantic view ought to be completely avoided. Though it is the bounden duty of the officers scrutinizing such applications to verify the same scrupulously, however, the intent behind such policies must not be lost sight of. We find, in the present case, that the letter dated 24.04.2023, though issued belatedly, has not been denied and points out clearly to the fact that the late husband of the appellant was indeed deployed on COVID- 19 duty apart from discharge of other duties. We have no hesitation in coming to the conclusion that the unfortunate demise of the late husband of the appellant was caused on account of contracting novel corona virus while discharging COVID-19 duties.

20. Though the respondents did not have the benefit of the letter dated 24.04.2023 while considering the application of the appellant and rejecting the same vide impugned letter dated 27.12.2021, we are of the considered opinion that relegating the appellant back to the situation of filing a fresh application having due regard to the said letter, may not subserve the interests of justice.

21. Accordingly, we direct the respondent no.1/GNCTD to process the application of the appellant having regard to letter of the Principal of the school dated 24.04.2023 and complete the payment as conferred under the Cabinet decision no.2835 dated 13.05.2020, within eight weeks from today. It is made clear that in case the amount as directed above is not released within the time stipulated above, the same shall attract simple interest @ 6% per annum for the period of delay.

22. In view of the above, the impugned judgment dated 28.11.2024 is set aside, and the appeal is allowed as directed above.

23. Pending applications stand disposed of.

24. Original records be returned to learned counsel for respondent no.1.

TUSHAR RAO GEDELA, J DEVENDER KUMAR UPADHYAY, CJ SEPTEMBER 04, 2025/rl/aj

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