



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 27th OF FEBRUARY, 2025

WRIT PETITION No. 27858 of 2022

DR. LEELA MITTAL AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri R.B.S. Tomar – Advocate for petitioners.

Shri G.K. Agrawal- Government Advocate for respondents/State.

ORDER

This petition under Article 226 of the Constitution of India has been filed seeking the following reliefs :-

“7.1 That, the respondents authority is directed to make payment of honorarium to the petitioners from 01.04.2020 to Actual working of the petitioners with the interest of 12% p.a..

7.2 That, other relief doing justice including cost be ordered.”

2. It is submitted by counsel for petitioners that in the month of May 2015, an advertisement was issued in the entire State of Madhya Pradesh for filling up 453 posts of ECCE Coordinator, Child Development Project, on a monthly honorarium of Rs.35000/-.

3. The tenure of petitioners was renewable after every one year and accordingly, it was renewed up to 31.03.2020. Before the term of petitioner could



come to an end, there was a nationwide lockdown on account of the COVID-19 pandemic. Accordingly, by notification dated 18.03.2020, issued by the Public Health and Family Welfare Department, State of Madhya Pradesh, petitioner and other employees were directed to take care of patients in hospitals and also to perform other public duties during the COVID-19 pandemic. Thereafter, by various orders, petitioners were directed to work in different capacities, including work for distribution of food items to laborers and other needy persons.

4. Accordingly, by letter dated 05.06.2020, respondent No. 3 wrote a letter to respondent No. 2 mentioning that the contract of petitioners had come to an end on 31.03.2020 and sought further guidance to continue their services. It is submitted that petitioner No.1 had worked up to July 2020, whereas other petitioners had worked up to September 2020. However, respondents have not made payment of honorarium to petitioners for the work performed by them during the COVID-19 pandemic. Accordingly, this petition has been filed seeking the aforesaid reliefs.

5. Respondents have filed their return and submitted that the original term of petitioners had come to an end on 31.03.2020. Since they were allowed to work even after the completion of their term, notices have been issued to respective Child Development Project Officers calling for an explanation as to how they were allowed to work without any renewal of their contractual period. It is submitted that although replies to the notices have not been received, but in case it is found that petitioners are eligible for salary for the period, then further action will be taken for making payment.

6. Considered the submissions made by counsel for parties.

7. Undisputedly, the original term of petitioners had come to an end on 31.03.2020, and much prior thereto, i.e., in March 2020, a nationwide lockdown was imposed on account of the COVID-19 pandemic. Everyone was afraid for his



life, and in such harsh times, paramedical forces as well as police forces, apart from local administration, took up the task of saving the lives of people, by putting their own lives in jeopardy. Many persons working in the field also lost their lives.

8. It is really shocking that when the services of petitioners were required by the State of Madhya Pradesh in view of the COVID-19 pandemic as the lives of citizens were in danger, then respondents compelled the petitioners to work in the field for the mankind. Now, they have refused to pay the honorarium to them on the ground that notices have been issued to the officers who allowed them to work even after the completion of their contractual period. If the officers had allowed or compelled the petitioners to work in the field for the safety of people, specifically when the country was fighting hard against the COVID-19 pandemic, then such an action of the officers cannot be said to be contrary to law or *mala fide*. Instead of praising the petitioners, who put their lives in danger, respondents have deprived them of their honorarium.

9. Although it is for the State Government to decide whether the services of petitioners were required or not, but since petitioners were compelled to work during the COVID-19 pandemic, respondents cannot run away from their liability to pay the honorarium to the petitioners. Accordingly, this petition is allowed with the following directions:-

Respondents shall pay honorarium to petitioners from 01.04.2020 till they actually worked in the field. Delayed payment shall also carry interest at the rate of 6% per annum.

Let the entire exercise be completed within a period of two months from today.

10. State counsel is directed to communicate this order to the respondents for necessary information and compliance.



11. Petition succeeds and is hereby **allowed.**

(G.S. Ahluwalia)
Judge

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