

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

WRIT PETITION No. 12715 of 2022

BETWEEN:-

**LATA SINGH SISODIYA W/O LATE SHREE SARVAGYA
SINGH SISODIYA, AGED ABOUT 57 YEARS,
OCCUPATION: HOUSE WIFE 528, DUTT NAGAR,
RAJENDRA NAGAR (MADHYA PRADESH)**

....PETITIONER

(BY SHRI GOURAV SHRIVASTAVA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH THROUGH
PRINCIPAL SECRETARY VALLABH BHAWAN
BHOPAL (MADHYA PRADESH)**
- 2. RELIEF COMMISSIONER 220, RAJASVA RAHAT
BHAWAN (MADHYA PRADESH)**
- 3. DEPUTY RELIEF COMMISSIONER 220, RAJASVA
RAHAT BHAWAN (MADHYA PRADESH)**
- 4. COLLECTOR AGAR MALWA (MADHYA
PRADESH)**
- 5. ADDITIONAL COLLECTOR AGAR MALWA
(MADHYA PRADESH)**
- 6. INSPECTOR (LAND RECORDS) AGAR MALWA
(MADHYA PRADESH)**
- 7. EXECUTIVE ENGINEER GRAMIN VIKAS
YANTRIKI SEWA, DIVISION AGAR MALWA
(MADHYA PRADESH)**

.....RESPONDENTS

(*BY SHRI RANJEET SEN - GOVERNMENT ADVOCATE*)

.....
RESERVED ON : 03.02.2023

PRONOUNCED ON : 22.02.2023
.....

ORDER

1. This petition has been filed by the petitioner who is wife of the deceased employee Sarvagya Singh Sisodiya under Article 226 of the Constitution of India against the order dated 06.04.2022 passed by Deputy Relief Commissioner, Bhopal whereby her claim under the *Mukhyamantri Covid-19 Yodha Kalyan Yojna* (hereinafter referred to as '*the Scheme*') for compensation on account of death of her husband while performing Covid-19 duties has been rejected.

2. In brief facts of the case are that petitioner's husband was working on the post of Assistant Engineer in Gramin Vikas Yantrika Sewa at Division Agar Malwa. Due to spread of Covid-19 Pandemic he was appointed and posted as observer by order dated 17.04.2021. He was entrusted the duty of collection of information as detailed therein and was also to carry out surprise inspection of containment area. While performing the duties entrusted upon him petitioner's husband became Covid-19 positive and eventually expired on 15.05.2021. His two sons also got Covid-19 positive and expired on 08-05-2021 and 06.06.2021 respectively.

3. Since the State Government had floated the aforesaid Scheme on

17.04.2020, the petitioner being wife of the deceased applied for award of compensation under the Scheme which provides for grant of Rs. 50 lakhs to the kin of an employee who has died on account of Covid-19 and also the employee who has died in an accident while performing Covid-19 duties. The claim of petitioner was rejected by respondent No.3 by order dated 13.12.2021 on the ground that her husband does not fall under the category enumerated in Clause 3.1 of the Scheme. Being aggrieved by the said order son of petitioner Kunal Singh Sisodiya submitted a representation dated 21.12.2021 before respondent No.2 for reconsideration of claim of the petitioner which has been rejected by the impugned order dated 06.04.2022 for the reason that petitioner's husband was appointed as observer to establish correspondence and to gather information regarding barricading in rural area hence does not fulfill the eligibility criteria under Clause 3.1 of the Scheme.

4. Learned counsel for the petitioner has submitted that claim of the petitioner squarely falls within Clause 3.1 of the Scheme as her husband had not been given merely the duty of collecting the information as regards establishment of containment area and for making the same available alongwith photographs and for establishing co-ordination between the Assistant Engineer and Deputy Engineer of the containment area. He had also been specifically given the duty of carrying out surprise inspection of containment area due to which he was required to visit the area. He had been in the actual field and was not merely sitting in his office establishing co-ordination. Apparently, he contracted Covid-19 disease on account of his duties. It is hence submitted that the impugned order be quashed and the

respondents be directed to extend the benefit of the Scheme to the petitioner.

5. Reply has been filed by the respondents traversing the averments made in the petition and it is submitted that no case for interference is made out since the present case does not confirm to the conditions for grant as provided under Clause 3.1 of the Scheme hence petitioner's claim has rightly been rejected by the respondents. It is further submitted that petitioner's husband was only required to sit in the office and to collect the information from various sources as was directed therein and to forward the same alongwith photographs to higher authorities. He was not physically required to go out for performance of his duty hence it cannot be said that he contacted Covid-19 only as a result of the duties entrusted to him. It is hence submitted that the petition be dismissed.

6. I have heard the learned counsel for the parties and have perused the record.

7. Clause 3.1 of the Scheme reads as under :-

3-1 ऐसे शासकीय कर्मी, जो कोविड की रोकथाम हेतु प्रत्यक्ष रूप से अपनी सेवाएं दे रहे हैं अर्थात् कोविड इलाज हेतु नामित अस्पताल, Covid care centre, Covid Testing Lab. Quarantine centre में या कोविड-19 की रोकथाम हेतु घर-घर सर्वेक्षण, नमूना संग्रहण, जांच, कन्टेनमेंट एरिया में पर्यवेक्षण, साफ-सफाई आदि विभिन्न कार्यों में तैनात है जिससे उनका सीधा संपर्क कोविड मरीज से होने की संभावना है पात्र होंगे। प्रधानमंत्री गरीब कल्याण पैकेज के अन्तर्गत लागू बीमा योजना के अन्तर्गत सम्मिलित शासकीय कर्मी पात्र नहीं होंगे।

8. As per the aforesaid Clause the Scheme is applicable in respect of

Government employees who were giving their services in the manner as detailed therein including inspection, cleanliness etc. in the containment area as a result of which they could have directly come in contact with Covid patients and contacted Covid-19. The Clause includes those employees who were performing any work in the containment area related to containment and stoppage of Covid -19 disease. The nature of work being performed by such an employee was not confined only to those specifically mentioned in the Clause. The mentioning of inspection, cleanliness etc. is only illustrative in nature and cannot be termed inclusive. The true construction of the Clause would be that those Government employees would be covered there under who were in any manner doing any work or were rendering services in the containment area for containment of Covid-19 and could have contacted Covid-19 resulting in loss of their life.

9. The work assigned to petitioner's husband has to be appreciated in view of Clause-3.1 of the Scheme to ascertain as to whether he would be covered there under. For ready reference the order of petitioner's husband reads as under :-

क्रमांक/ग्रा.यां.से./2021

आगर मालवा दिनांक 17/04/2021

आदेश

प्रति,

श्री सर्वज्ञ सिंह सिसोदिया सहा. यंत्री,

ग्रा.यां.से.संभाग आगर मालवा (म.प्र)

विषय:- कलेक्टर महोदय जिला आगर मालवा के पत्र क्र.79/s.w./2021 दि. 09-04-2021

उपरोक्त विषयांतर्गत आपको आदेशित किया जाता है, कि संपूर्ण आगर मालवा जिले के ग्रामीण क्षेत्र में संबंधित उपयंत्री, पटवारी, सरपंच, सचिव, जी.आर.एस. से संपर्क कर ग्रामीण क्षेत्र में बेरिगेडिंग बांस, बल्ली एवं रस्सी के द्वारा कन्टेनमेंट क्षेत्र बनाए जाने की जानकारी एकत्र करने हेतु आपको नियुक्त किया जाता है, इसकी जानकारी आप सभी जनपदों से लेंगे एवं प्रतिदिन सुबह 10 एवं शाम 5 बजे कार्यपालन यंत्री, ग्रा.यां.से.संभाग आगर मालवा को कन्टेनमेंट जोन का फोटो सहित उपलब्ध करावे तथा बी.एम.ओ. कार्यालय से किट लेकर पिडित कि परिवार को उपलब्ध कराने हेतु संबंधित क्षेत्र में सहायक यंत्री एवं उपयंत्री स्थापित करें।

यह आदेश तत्काल लागु होता है।

उपरोक्त कन्टेनमेंट क्षेत्र का आकास्मिक निरिक्षण भी किया जायेगा।

उपरोक्त कार्य में किसी भी प्रकार की लापरवाही क्षम्य नहीं होगी।

कार्यपालन यंत्री

ग्रा. यां. से. संभाग आगर मालवा

10. A perusal of the aforesaid order clearly reveals that petitioner's husband was not only entrusted the work of collecting the data and other material as detailed and transmitting the same to the higher authorities and establishing co-ordination between Assistant Engineer and Sub-Engineer but was also specifically entrusted the work of carrying out surprise inspection in the containment area. The work assigned to him did not require him only to sit in his office in a room and collect and forward data but also required him to go into the actual containment area for carrying out surprise inspection. He was thus specifically deployed in the field and it has to be necessarily

presumed that he came in contact with Covid-19 patients and contacted Covid-19.

11. In any case Clause 3.1 of the Scheme stipulates that due to deployment of Government employee in containment area there must be a possibility of his coming into contact with Covid-19 patients but does not mandate that he must be actually proved to have come in such contact. In view of nature of work assigned to petitioner's husband it has to be logically inferred that he contacted Covid-19 due to duties assigned to him in the containment area and expired due to the same.

12. In such facts and circumstances of the case, this Court is of the considered opinion that denial of claim of the petitioner whose husband has died while performing Covid-19 duties is unjust and unfair and calls for interference.

13 Resultantly, the petition stands allowed and the impugned order dated 06.04.2022 is hereby quashed and the respondents are directed to pay the amount of compensation to the petitioner as provided in ***Mukhyamantri Covid-19 Yodha Kalyan Yojna*** within a period of 45 days from the date of receipt of certified copy of this order.

With the aforesaid, the petition stands disposed off.

(PRANAY VERMA)
JUDGE

rashmi