



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

**BEFORE**

**HON'BLE SHRI JUSTICE SUBODH ABHYANKAR**

**ON THE 16<sup>th</sup> OF OCTOBER, 2024**

**WRIT PETITION No. 31165 of 2023**

***MAMTA MUNDRA***

*Versus*

***THE RELIEF COMMISSIONER AND OTHERS***

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**Appearance:**

*Shri Murtuza Bohra, Advocate for the petitioner.*

*Ms. Ashi Vaidya – G.A./P.L. for respondents/State.*

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**ORDER**

1] Heard finally, with the consent of the parties.  
2] This writ petition has been filed by the petitioner Mamta Mundra wife of late Kamlesh Mundra under Article 226 of the Constitution of India seeking the following reliefs:-

“7.1 To allow the present petition with costs.

7.2 To set aside the impugned orders dated 13-10-23 and 29-11-23

**ANNEXURE P-6 & 7.**

7.3 To issue appropriate writ/order/direction to the respondents to grant compensation under the Mukhyamantri Covid 19 Yodha Kalyan Yojna within a period of 30 days.

7.4 To issue appropriate writ/order/direction to the respondents to pay the interest @ 12% upon the compensation amount from the date of entitlement till the date of the payment.

7.5 Any other relief that this Hon’ble Court deems fit.”



3] The petitioner is aggrieved by the orders dated 13.10.2023 and 29.11.2023, passed by Deputy Relief Commissioner, Bhopal and Collector, Indore respectively, whereby the petitioner has been denied the benefit of ***Mukhyamantri Covid 19 Yodha Kalyan Yojna*** (hereinafter referred to as ‘the Covid 19 Yodha Kalyan Scheme’) on the ground that the duties assigned to the husband of the petitioner did not fall within the norms as prescribed in para 3.1 of the Covid 19 Yodha Kalyan Scheme.

4] The case of the petitioner is that her late husband Kamlesh Mundra was Assistant Grade –III in the Office of Commercial Tax Office, Circle 7, Indore. However, during Covid period, he was also assigned the duties to ensure that the vaccination is done properly by the residents of the concerned *Vidhansabha* area, which work he was directed to perform in addition to performing his duties in the office of Commercial Tax Office.

5] The petitioner’s case is that after assignment of these duties, her husband Kamlesh Mundra also contracted Covid-19, as a result of which, he died on 05.04.2021, i.e., almost within a month’s time from the date of his assignment of duties. However, the petitioner has been denied the benefit of the Covid 19 Yodha Kalyan Scheme on the ground that the duties assigned to Kamlesh Mundra did not fall within the duties as prescribed in the Covid 19 Yodha Kalyan Scheme. Counsel has also drawn the attention of this Court to para 3.1 of the Covid 19 Yodha Kalyan Scheme, which also provides that those persons, who have been assigned such duties in which they run the risk of coming into direct contact with the Covid-19 patients, would be given the benefit of the Covid-19 Yodha



Kalyan Scheme. Thus, it is submitted that the impugned orders be set aside and the respondents be directed to extend the benefit of Covid 19 Yodha Kalyan Scheme to the petitioner.

6] The prayer is opposed by the counsel for the respondents/State. A reply has also been filed by the State, denying the averments made in the petition. The State's contention is that the petitioner's husband's duties did not fall within the duties as prescribed in para 3.1 of the Covid 19 Yodha Kalyan Scheme and has also relied upon the work assignment letter dated 02.03.2021, whereby the husband of the petitioner was assigned the duties to encourage vaccination. However, State has also relied upon the certificate issued by the Committee, which include the Higher Officers of the Government, including the Collector, Superintendent of Police, Chief Executive Officer etc., in which also it has been certified that the petitioner's husband Kamlesh Mundra has died on account of assignment of his duties to prevent Covid-19. Counsel for the State has also submitted that since the son of the petitioner has also been granted compassionate appointment on account of death of his father, no case for grant of any relief is made out.

7] Having considered the rival submissions and on perusal of the documents filed on record, it is found that so far as the assignment of duties to the husband of the petitioner by the Deputy Collector vide order dated 02.03.2021 is concerned, the same reads as under :-

“कार्यालय डिप्टी कलेक्टर एवं निर्वाचक रजिस्ट्रीकरण अधिकारी विधानसभा क्षेत्र  
क्र. -204-इन्दौर-1, जिला-इन्दौर

क्रमांक-1532/भा.नि./कार्मिक प्रबंधन/2021

इन्दौर, दिनांक-02/03/21



### आदेश

वैश्विक महामारी कोविड-19 के प्रसार को रोके जाने हेतु जिलाधीश महोदय द्वारा निर्वाचन कार्य में संलग्न बी.एल.ओ. तथा बी.एल.ओ सुपरव्हाईजर्स को भी कोविड सर्वेक्षण कार्य में लगाये जाने के आदेश दिये है।

उपरोक्त के अनुक्रम में विधानसभा क्षेत्र के समस्त बी.एल.ओ तथा बी.एल.ओ. सुपरव्हाईजर्स उन्हें आवंटित क्षेत्र में भ्रमण कर ऐसे लोग जिनका वेक्सिनेशन नहीं हुआ है, उन्हें वेक्सिनेशन सेन्टर तक पहुँचने में सहायता करेंगे व प्रोत्साहित करेंगे। साथ ही कोविड-19 संक्रमित मरिजों/परिवारों की जानकारी संकलित करने का कार्य भी करेंगे।

उपरोक्त कार्य का पर्यवेक्षण कार्यालयीन तथा क्षेत्रिय स्तर पर विधानसभा प्रभारी कर्मचारी श्री कमलेश मुंदड़ा अपने कार्य के साथ-साथ करेंगे।

डिप्टी कलेक्टर एवं  
निर्वाचक रजिस्ट्रीकरण अधिकारी  
विधानसभा क्षेत्र क्र.-204-इन्दौर-1  
जिला-इन्दौर"

*(Emphasis Supplied)*

whereas para 3.1 of the Covid 19 Yodha Kalyan Scheme reads as under:-

### “3. पात्र कर्मी

3.1. ऐसे शासकीय कर्मी, जो कोविड की रोकथाम हेतु प्रत्यक्ष रूप से अपनी सेवाएं दे रहे हैं अर्थात 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 हैं 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।”

*(Emphasis Supplied)*

8] A bare perusal of the aforesaid two documents would clearly reveal that the duties which were assigned to the husband of the petitioner, led him to come in contact with the Covid patients, and he was also required to



visit the various residences of the area to encourage the residents for vaccination. In such circumstances, this Court has no hesitation to hold that the husband of the petitioner has died on account of Covid, which he contracted while performing his duties and, hence, the denial of benefit of Covid 19 Yodha Kalyan Scheme to the petitioner was arbitrary and unjust, hence cannot be sustained in the eyes of law. Accordingly, the orders dated 13.10.2023 and 29.11.2023, are hereby set aside and the respondents are directed to provide the benefit of the Covid 19 Yodha Kalyan Scheme to the petitioner within a period of two months.

9] Needless to say, the petitioner shall also be entitled to the applicable bank interest rate from the date of her eligibility to the Covid 19 Yodha Kalyan Scheme.

10] With the aforesaid, the petition stands **allowed** and **disposed of**.

**(SUBODH ABHYANKAR)**  
**JUDGE**

Pankaj