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WP-18400-2020

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 18th OF SEPTEMBER, 2025WRIT PETITION No. 18400 of 2020*ANJU MURTI UPADHYAY**Versus**THE STATE OF M.P. AND OTHERS*

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Appearance:

*Shri Sanjay Kumar Verma - Advocate for the petitioner.**Shri Dheeraj Tiwari - Panel Lawyer for the respondents/State.*
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ORDER

This petition under Article 226 of Constitution of India has been filed assailing the order dated 28/10/2020 passed by respondent No.1, whereby claim raised by petitioner for grant of benefits in terms of *Mukhyamantri Covid-19 Yoddha Kalyan Yojana* (hereinafter referred to as '*the Scheme*') on account of death of employee working during the Covid-19 pandemic, has been rejected.

2. It is the case of the petitioner that petitioner's husband was working as Assistant Grade-3 in the Department of Protocol in Collectorate, District Jabalpur as a permanent employee. Petitioner's husband was posted to arrange the buses and ambulances during Covid-19 pandemic for migrated labourers round the clock. He was continuously working from 20/03/2020 till the date of his death. While on work, he went through stress and anxiety which resulted into cardiac arrest in harness. He was admitted in Disha Multispeciality Health Care Hospital, where he finally passed away. Nagar



Nigam, Jabalpur also issued a death certificate on 15/06/2020. Petitioner is a legally wedded wife of late Rajeev Upadhyay. The State Government issued a circular on 17/04/2020 for grant of compensation to the families of Corona Warriors who had lost their lives while serving to society during Covid-19 pandemic. A clarification was issued by the Government on 23/04/2020 with respect to circular dated 17/04/2020. The petitioner's husband was working as a Corona Warrior when he passed away while he was on work due to sudden cardiac arrest. Therefore, family members are entitled for benefits in terms of circular issued for grant of compensation on 17/04/2020 and subsequent clarification dated 23/04/2020. Petitioner applied for grant of compensation under the Scheme floated by the Government on 17/04/2020.

3 . The Collector, District Jabalpur recommended the name of petitioner to the State Government on 24/07/2020 but till date no aid is paid to the petitioner. The Authorities have rejected the claim of the petitioner on 28/10/2020 observing that the petitioner does not fall under clause 4 of the Scheme floated by the Government. It is argued that the deployment of petitioner's husband to arrange the buses and ambulance during the Covid-19 pandemic for migrated labourers round the clock was not disputed by the Authorities. He had a cardiac arrest while he was on work is also not disputed. The recommendation of the case was duly made by the District Magistrate on 24/07/2020 which is not disputed. No reasons are assigned by the Authorities except the fact that he does not fall under the category of clause 4 of the Scheme, therefore, benefit could not be extended. Learned counsel appearing for the petitioner has drawn attention of this Court to the



Scheme floated by the Government, wherein clause 4 provides for coverage of the Scheme and he submits that the positive Covid-19 test report is not required to be placed before the Authorities to claim the benefit as clarification to the aforesaid effect was issued by the Authorities themselves on 23/04/2020 that no such report is required if the employee is working as a Covid warrior during Covid-19 pandemic. He has placed reliance upon the judgment passed in the case of **Sundarbai Vs. General Manager, Ordnance Factory, Jabalpur** reported in 1976 MPLJ 356.

4 . On notice being issued, a detailed reply has been filed by the Authorities. They have supported the impugned order and denied the claim of the petitioner. It is pointed out that petitioner does not fall under clause 4 of the Scheme, therefore, benefit could not be extended to the petitioner. The Scheme is for those peoples who are given duties as frontline workers in fighting the Covid-19 pandemic and are termed as Covid warriors. The husband of the petitioner was not a Covid warrior. He was not in duty as a frontline health worker. Her husband was working in the Collectorate as Assistant Grade 3. His work was to arrange buses for transportation of the labourers during the Covid-19 pandemic. Therefore, he cannot be termed to be a frontline worker and cannot be termed as a Covid Warrior. He has relied upon clause 4 of the Scheme and submits that said aspect was rightly considered by the Authorities, therefore, no relief can be extended to the petitioner. As far as recommendation made by Collector is concerned, the Collector has only forwarded the letter recommending the case of the petitioner for consideration in the light of Scheme floated by the



Government. However, the Government after considering the case of the petitioner has found that he does not fall under the category as provided in clause 4 of the Scheme, therefore, no relief can be extended. He has prayed for dismissal of the petition.

5. Heard learned counsel for the parties and perused the record.

6. The sole question which is before this Court for consideration is that whether the benefit of Scheme floated by the Government i.e. *Mukhyamantri Covid-19 Yoddha Kalyan Yojana* can be extended to the petitioner. Clause 4 of the scheme is relevant and deals with coverage of the Scheme. The same reads as under:-

"4. योजना के तहत कवरेज:

> कोविड-19 के कारण जीवन की हानि, एवं
> कोविड-19 से संबंधित सेवा के दौरान दुर्घटना से आकस्मिक मृत्यु।
कोविड-19 के कारण जीवन की हानि के सम्बन्ध में पॉजिटिव मेडिकल परीक्षण को प्रमाणित करने वाली प्रयोगशाला रिपोर्ट आवश्यक है। हालांकि, कोविड-19 संबंधित सेवा के दौरान दुर्घटना में आकस्मिक मृत्यु होने पर इसकी आवश्यकता नहीं होगी।"

7 . Subsequent clarification to the said Scheme was issued on 23/04/2020 which provides that those employees who are frontline workers directly involved are not required to produce the test reports regarding they being Covid-19 positive.

8. If clause 4 of the Scheme is seen, then it is clear that the Scheme is applicable for the employees who, while rendering services in relation to Covid-19, all of a sudden passed away.

9 . It is the case of the petitioner that the only requirement for entitlement under clause 4 was that he should be allotted work with respect to Covid-19. It is not in dispute that the petitioner was allotted work of



arranging for buses and ambulances during Covid-19 pandemic for migrated labourers round the clock. While working, owing to stress and anxiety, he had a sudden cardiac arrest. The same was reported by the District Magistrate, Jabalpur which is as under:-

"उपरोक्त विषयांतर्गत कृपया संदर्भित आवेदन पत्र का अवलोकन करने का कष्ट करें। आवेदिका श्रीमति अंजू मूर्ति पति स्व. राजीव उपाध्याय द्वारा मुख्यमंत्री कोविड-19 योद्धा कल्याण योजना अन्तर्गत प्राप्त होने वाली राशि के भुगतान हेतु निर्धारित दावा प्रपत्र में दस्तावेजों सहित आवेदन पत्र दिनांक 22.07.2020 को इस कार्यालय में प्रस्तुत किया है। आवेदिका के पति स्व. श्री राजीव उपाध्याय, सहायक ग्रेड-3 की डियूटी इस कार्यालय में कोविड-19 महामारी की रोकथाम हेतु बसों एवं एम्बुलेंसों का अधिग्रहण कर प्रवासी श्रमिकों को भेजने की व्यवस्था एवं आवश्यकता अनुसार जिले में एम्बुलेंस उपलब्ध कराने हेतु लगाई गई थी. इस दौरान स्वास्थ्य खराब हो जाने के कारण दिनांक 10.06.2020 को उनकी मृत्यु हो गई।"

10. From the perusal of recommendation made by the District Collector, it is clear that the duty assigned to the petitioner was for arranging buses and ambulances during Covid-19 pandemic in his Office and while on duty, he suddenly fell ill and passed away in the hospital on 10/06/2020. Therefore, it cannot be said that petitioner is not coming under the coverage in terms of clause 4 of the Scheme. There is no requirement for producing test report from a laboratory to point out that he was Covid affected. The only requirement was to demonstrate that the death has taken place while he was on service during Covid-19 pandemic. The said requirement was fulfilled by the petitioner's husband, therefore the reason assigned by the Authorities is incorrect.

11. Under these circumstances, the petitioner is held entitled for the benefit of the Scheme as her husband was duly deployed for making



arrangement of buses and ambulances for migrated labourers and during his working hours, he passed away.

12. Accordingly, the order impugned rejecting the claim of the petitioner is *per se* illegal. It is hereby **quashed**. The Authorities are directed to release the amount in terms of the Scheme floated by the Government to the petitioner within a period of 90 days from the date of receipt of certified copy of this order.

13. With aforesaid observations, the petition is finally **disposed of**. No order as to costs.

(VISHAL MISHRA)
JUDGE

Shbhnr