



IN THE HIGH COURT OF MADHYA PRADESH

AT INDORE

BEFORE

HON'BLE SHRI JUSTICE PRANAY VERMA

WRIT PETITION No. 618 of 2025

MEENA BHABHAR

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Yash Pal Rathore, learned counsel for the petitioner.

Shri Anirudh Malpani, learned Govt. Advocate for the
respondents/State.

ORDER

(Reserved on 17.04.2025)

(Pronounced on 13.05.2025)

1. This petition has been preferred by the petitioner, who is the widow of deceased employee Daniel Bhabhar under Article 226 of the Constitution of India challenging the order dated 29.11.2023 passed by respondent No.3, the Collector, District Dewas whereby her claim



under the Mukhya Mantri COVID-19 Yoddha Kalyan Yojna (here-in-after referred to as “the scheme”) for grant of 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 late Daniel Bhabhar was working on the post of Assistant Sub Inspector in Police Department and was posted at BNP Note Press, Dewas. During COVID-19 pandemic he was on duty at Amaltas Hospital, Banger. During such period only he was infected with Corona virus and expired on 01.05.2021.

3. Since the State Government had floated the aforesaid scheme on 17.04.2020, the petitioner being widow of the deceased employee, applied for award of compensation under the scheme which provides for grant of Rs.50,00,000/- to the kin of an employee who has died on account of COVID-19 and also an employee who has died in an accident while performing COVID-19 duties. The claim of the petitioner has been rejected by respondent No.3 by the impugned order on the ground that her husband does not fall under the category enumerated in Clause 3.1 of the scheme.

4. Learned counsel for the petitioner has submitted that the claim of the petitioner squarely falls within Clause 3.1 and 3.3 of the scheme since he was on duty at Amaltas Hospital and was deputed in the drive



to prevent citizens from being infected with corona virus but he himself got infected and expired. Petitioner was deputed to serve the containment area for participating in prevention drive. He was on duty to maintain law and order at hospital and was running a very high risk of having contact with COVID patients. He died on account of COVID-19 while in service and during prevention drive. He expired only on account of his duties hence the petitioner was entitled for the relief as claimed. 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 respondent No.3. It is further submitted that as per Clause 3.3 of the scheme only those employees of mentioned departments who were deputed by authorized/competent authority of the State for giving services for COVID-19 pandemic would be covered. No such order of authorized/competent authority had been passed in respect of husband of the petitioner. In absence of such mandatory deputation the petitioner is not entitled to get the benefit of the scheme. The petition hence deserves to be dismissed.

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



the record.

7. Clause 3.1 of the scheme on which reliance has been placed by the respondents is as under :-

"3.1 लोक स्वास्थ्य एवं परिवार कल्याण विभाग, चिकित्सा शिक्षा विभाग एवं आयुष विभाग के समस्त सफाई कर्मचारी, वार्डवॉय-, नर्स, आशा कार्यकर्ता, पैरामेडिक्स, तकनीशियन, डॉक्टर और विशेषज्ञ और अन्य स्वास्थ्य कार्यकर्ता। "

8. However there is another Clause in the scheme which has not been taken note of by the respondents but which is material for decision of this petition which is Clause 3.3 which is as under :-

"3.3 गृह विभाग, राजस्व विभाग, नगरीय प्रशासन विभाग शहरी स्थानीय निकायों सहित एवं अन्य विभागों के कर्मि जो कोविड-19 महामारी के लिए अपनी सेवायें प्रदान करने के लिए राज्य सरकार के सक्षम प्राधिकारी द्वारा अधिकृत है।"

9. The contention of the respondents is that the petitioner is not entitled for the benefit under the scheme because she has not produced any order of the authorized/competent authority whereby her husband was deputed for giving duty for COVID-19 pandemic. However in the entire reply there is no reference to the document dated 07.05.2021 (Annexure P/2) filed by the petitioner. The same would hence be deemed to be an admitted document. It is a communication by the Station Incharge, Police Station, Bank Note Press, Dewas to the Superintendent of Police, Dewas in respect of COVID-19 report of husband of the petitioner. Therein it is stated that from 14.04.2021 upto 20.04.2021 he was on law and order duty (COVID-19) at Amaltas



Hospital, Banger. Thereafter from 20.04.2021 upto 28.04.2021 he was at Galla Mandi for the same purpose. From 29.04.2021 he was in the second shift at Maksi bypass checking point for law and order maintenance due to COVID-19 from 3.00 p.m. to 11.00 p.m.. After duty at night, around 2.30 p.m. he fell ill and was taken to Amaltas Hospital, Banger where he expired on 01.05.2021. On 07.05.2021 the Amaltas Hospital gave his report in which he was found to be COVID-19 positive. The said letter for ready reference is reproduced below :-

"कार्यालय पुलिस थाना बैंक नोट प्रेस जिला देवास"

क्रमांक/थाना बी.एन.पी./देवास/ 604/2021

दिनांक 07.05.2021

प्रति,

श्रीमान् पुलिस अधीक्षक महोदय,

जिला देवास, म.प्र.,

विषय:- सउनि डेनियल भाभर थाना बी.एन.पी. देवास की कोविड-19 रिपोर्ट के संबंध में।

उपरोक्त विषयांतर्गत निवेदन है कि 14.04.2021 से दिनांक 20.04.2021 तक कानून व्यवस्था इंतजाम ड्यूटी (कोविड-19) अमलतास अस्पताल, बांगर में थी उसके उपरांत दिनांक 20.04.2021 से 28.04.2021 तक गल्ला मण्डी इंतजाम व्यवस्था कस्बा में थी। दिनांक 29.04.2021 को कानून व्यवस्था कोविड-19 चेकिंग पाइंट मक्सी बायपास पर द्वितीय शिफ्ट 15.00 से 23.00 बजे तक थी। ड्यूटी उपरांत उसी दिन रात्री करीबन 2.30-03.00 बजे डेनियल भाभर की तबीयत अचानक खराब होने से उनके द्वारा सूचना देने पर 108 वाहन द्वारा ईलाज हेतु अमलतास अस्पताल बांगर में भर्ती कराया गया जहाँ ईलाज के दौरान दिनांक 01.05.2021 को शाम करीब 20.30 बजे मौत हो गयी। आज दिनांक 07.05.2021 को अमलतास अस्पताल से सउनि डेनियल भाभर की कोविड-19 रिपोर्ट **पॉजिटिव** प्राप्त हुई है।

अतः उक्त कोविड-19 रिपोर्ट श्रीमान की सेवा में अवलोकनार्थ सादर प्रेषित है।

संलग्न:- 01.कोविड रिपोर्ट की छायाप्रति।

थाना प्रभारी

थाना बैंक नोट प्रेस, देवास



प्रतिलिपि:-

01. श्रीमान अति. पुलिस अधीक्षक महोदय, जिला देवास की ओर सूचनार्थ सादर प्रेषित।
02. श्रीमान डी.एस.पी. मुख्या./यातायात महोदय की ओर सूचनार्थ सादर प्रेषित।
03. प्रभारी डी.एस.पी. की ओर सूचनार्थ सादर प्रेषित।
04. सउनि डेनियल भाभर के परिजनों की ओर एक आरक्षक भेजकर लेख है कि उक्त पत्र मय रिपोर्ट के तामिल कर तामिली मेरे समक्ष प्रस्तुत करना सुनिश्चित करें।

थाना प्रभारी

थाना बैंक नोट प्रेस, देवास "

10. From a perusal of the aforesaid letter of Police Station to the Superintendent of Police it is evident that husband of the petitioner was deputed by authorized/competent authority of the State Government for giving his services for COVID-19 pandemic. This is a specific order deputing him for COVID-19 pandemic duty. It is hence wholly incorrect on part of the respondents to contend that there was no order deputing husband of the petitioner on COVID-19 duties. The order emphatically demonstrates that not only once but continuously from 14.04.2021 upto his death husband of the petitioner was deployed/deputed for maintaining law and order situation on account of COVID-19 pandemic. It cannot be comprehended as to on what basis have the respondents contended that there was no order deputing husband of the petitioner on COVID-19 duty. In saying so they have acted contrary to their own record and it appears that it is an attempt on their part to somehow wriggle out of their liability for making payment to the petitioner under the scheme. The said attitude of the respondents in attempting to shirk out of their responsibilities is most unfortunate.



The husband of the petitioner would certainly fall within the meaning of employees as given in Clause 3.1 and 3.3 of the scheme and petitioner would be entitled for the benefits under the scheme.

11. During COVID-19 pandemic when the entire country were shut down and people were afraid to even step out of their houses, Government employees such as husband of the petitioner had responded to the call of duty and had complied with the orders of their superior authorities and had risked their life for saving the citizens. A nobel scheme was thereafter floated by the State Government for compensating the families of employees who had expired while on duty but while implementing the scheme and providing actual benefits thereof in monetary terms to the family members of the deceased employee the respondents are resorting to frivolous grounds so as to avoid making payment. It is expected from the State authorities to have a big heart and to consider the plight of the family members of their own deceased employees who have lost their life while performing duty during COVID-19 pandemic and to ensure that the benefits to which they have been declared entitled to are extended to them.

12. As a result of the aforesaid discussion, the impugned order dated 29.11.2023 (Annexure P/1) passed by respondent No.3 the Collector, District Dewas cannot be sustained and is hereby set aside. The respondents are directed to pay the amount of compensation to the petitioner as provided in Mukhya Mantri COVID-19 Yoddha Kalyan



Yojna within a period of 45 days from the date of receipt of certified copy of this order.

13. With the aforesaid, the petition stands allowed and disposed off.

(PRANAY VERMA)
JUDGE

ns

