



2026:AHC-LKO:42774-DB

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 5596 of 2026

Smt. Pushpa Devi

.....Petitioner(s)

Versus

State Of U.P. Thru. Chief Secy. Revenue Lko.
And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Shobhit Singh, Ajai Kumar Singh,
Prabhat Rathore, Rifat Naaz
Counsel for Respondent(s) : C . S . C., Aprajita Bansal

Court No. - 3

**HON'BLE SHEKHAR B. SARAF, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard learned counsel appearing on behalf of the parties.
2. This is a writ petition under Article 226 of the Constitution of India, wherein the writ petitioner has sought for the following substantial reliefs:-

"A. Issue a writ, order or direction in the nature of Certiorari to quash an order passed by the Committee constituted vide office order dated 06.10.2022 wherein on 10.10.2022 and 14.11.2022 the meeting was held and the claim of the petitioner to release ex gratia compensation of Rs. 50,00,000/- (Fifty Lakh Rupees) in pursuance of the Government Order dated 11.04.2020 has been rejected annexed as Annexure No. 1.

B. Issue a writ, order or direction in the nature of Mandamus commanding and directing the Respondent No. 1 to release the payment of ex-gratia compensation of Rs. 50 lakhs as financial aid

ground that the petitioner was held not to be covered under the Government Order dated 11.04.2020. It is the submission of petitioner that her husband was an employee of the Madhyanchal Vidyut Vitran Nigam Ltd. (MVVNL) and he got infected with COVID-19 disease while discharging his duties with respect to the containment of COVID-19 disease and as such in view of the Government Order dated 11.04.2020 and subsequent notifications dated 22.06.2021 of the State Government the petitioner is entitled for ex-gratia payment of Rs. 50,00,000/- (Rs. 50 Lakhs).

4. In order to buttress his arguments, learned counsel for the petitioner relies upon Division Bench judgments of this Court dated ***April 17, 2026 passed in Writ-C No. 34909 of 2023 (Smt. Pushpa Devi Vs. State of U.P. and others)*** and dated ***April 29, 2026 passed in Writ-C No. 42989 of 2025 (Vipin Kashyap Vs. State of U.P. and others)*** in which the persons who were involved in similar activities have been declared COVID Warrior and have been awarded the claims as raised by the petitioner in the instant petition.

5. On the other hand, learned counsel for the respondent has supported the impugned order and submitted that the husband of the petitioner (deceased) did not perform any duty so as to come within the expression of "COVID roktham, upchar and bachao" i.e. containment of COVID pandemic/COVID-19 treatment and protection from infection of COVID.

6. Having heard learned counsel for the parties. A perusal of the record would reveal that Chief Medical Officer Luknow vide a certificate dated 04.08.2021 has certified the death of the husband of the petitioner due to COVID-19 disease. It also appears that the husband of the petitioner (deceased) was assigned duty for the prevention and control of COVID-19 and to ensure uninterrupted power supply to hospitals, oxygen plants, people staying at homes and others. A certificate dated 11.08.2021 issued by the Electricity

the COVID patients were staying and admitted. We also find that a recommendation Letter dated 13.09.2021 was also issued in favour of petitioner by the concerned Electricity Department (MVVNL), which was followed by a Letter dated 16.09.2021 relating to the release of the said ex-gratia amount in favour of the petitioner by the concerned District Magistrate, Lucknow.

7. Further, we find that a Division Bench of this Court in ***Smt. Pushpa Devi (Supra)*** involving similar issue of payment of ex-gratia to the dependent of an employee of Electricity Department, who died due to COVID-19 after considering another judgment of this Court in ***Smt. Premlata Pandey Versus State of U.P. and 3 others, (Writ-C No.17575 of 2023)*** decided on 29.05.2023, which was related to compensation to a Head Constable in the Police Department, who died due to COVID-19, noted that a myopic interpretation cannot be given to COVID-Duty so as to confine only to those persons, who were specially assigned to discharge their duties in treatment of people physically in hospitals. The Division Bench went on to hold in the said case of ***Smt. Pushpa Devi (Supra)*** that in the electricity department, water supply department, telephone department, police department and such other essential services departments who worked during COVID-Period should be taken to be on COVID-Duty as their discharge of duties helped the State Government in containing the spread of pandemic covid-19 virus and also provided an impetus in the treatment and protection of COVID-19 patients by keeping them in confinement.

8. Similarly, a Co-ordinate Bench of this Court in ***Vipin Kashyap (Supra)*** when was faced with a similar issue of an employee engaged in the Electricity Department i.e. Northern Electricity Distribution Corporation Limited, Mathura went on to acknowledge and hold that a Government Employee engaged in supply of essential services particularly for smooth running of hospitals do face the

9. Since the deceased was regularly engaged in ensuring an uninterrupted supply of electricity to hospitals and oxygen plants where COVID-19 patients were admitted and treated, he is entitled to be treated as a COVID Warrior. Thus, we are of the considered view that the petitioner is fully covered by the Government Order which provides for payment of compensation to the family of a person who contracts COVID-19 while performing duties related to the prevention, control and management of the COVID-19 pandemic. Accordingly, the impugned order dated 06.10.2022 is hereby quashed and set-aside.

10. Normally, we would have remanded the matter to the competent authority for considering the claim of the petitioner denovo in view of our aforesaid observation. However, we are cognizant of the time already lapsed in releasing the ex-gratia amount as notably the husband of the petitioner died due to COVID-19 on 23.04.2021 and the issue had been hanging fire for more than five years. Recently, the Hon'ble Supreme Court in the case of ***Mahendra Prasad Agarwal Vs. Arvind Kumar Singh: 2026 INSC 175***, held that if relief deserves then it should be granted then and there and it has further deprecated 'consider jurisprudence' of remanding the matter back. The relevant paragraphs of the aforementioned judgment are extracted as under :

"14. There is no doubt about the fact that the "consider jurisprudence", so routinely adopted these days and if we may use the expression - to throw the ball out of the Court, is counterproductive and harms the system.

15. When a claim of a right is legal and justified, relief must follow. The Constitutional or statutory remedies are not intended for academic discourse. If a case deserves relief, it must be granted then and there, unflinchingly if need be. Balancing of equities is not to be confused with avoiding or postponing the relief.

practices which become habits. These habits come from the shared belief, values and attitudes that breathe vitality into rule of law. Legal culture integrates collective beliefs, fostering habits. It is necessary and in fact compelling to keep our remedies simple, effective and efficient."

11. Keeping the totality of the aforesaid facts and circumstances and for all the aforesaid reasons, **the writ petition is allowed with consequential reliefs.** Accordingly, the respondents/ authority concerned is directed to make payment of ex-gratia compensation as per the Government Order dated 11.04.2020 to the petitioner within a period of eight weeks from the date of production of a certified copy of this order.

12. There shall be no order as to cost (s).

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(Abdhesh Kumar Chaudhary,J.) (Shekhar B. Saraf,J.)

July 2 , 2026
Anuj Singh