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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 308/2022

SHAKUNTALA DEVI

..... Petitioner

Through: Mr. Garurav Gupta, Mr. Nikhil Kohli  
and Mr. Peeyush Ranjan, Advs.

versus

PNB HOUSING FINANCE LTD AND ANR ..... Respondents

Through: Mr. Prashant Tripathi and Ms. Ridhi  
Pahuja, Advs. for R-1.  
Mr. Gautam Narayan, ASC for the  
GNCTD.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

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**25.01.2022**

1. Mr. Gupta, learned counsel for the petitioner states that after the last date of hearing, the petitioner has been able to get the Securitization Application listed and heard by the DRT and an order has been passed by the DRT requiring the petitioner to deposit Rs.90 lakhs within one week by the order, which was passed yesterday. He submits that the petitioner is trying to garner her resources to be able to comply with the said order.
2. In so far as the aspect of payment of ex-gratia amount to next of the kin of the deceased husband of the petitioner is concerned, it is not in dispute that he was a serving doctor and he died in the line of duty while treating COVID patients during first wave of the Pandemic. He also suffered from COVID which lead to his demise.
3. Mr. Narayan submits that, presently, the status is that the Cabinet

decision taken by the Government of NCT of Delhi provides for grant of ex-gratia relief to such like cases, only in respect of doctors and other paramedic staff serving in either Government hospitals or in other hospitals which were requisitioned by the GNCTD for treatment of the COVID patients. The late husband of the petitioner was running a nursing home with less than 50 beds and such nursing homes were not requisitioned by the GNCTD. Though, the petitioner's husband died in the line of duty while serving COVID patients during the first wave from COVID, his case is presently not covered by the Cabinet decision.

4. *Prima facie* it appears to us that the distinction sought to be drawn by the GNCTD may not be justified. This is because the doctors and other paramedic staff, serving in even private hospitals, which were requisitioned by the GNCTD are covered by the Cabinet decision. Only because some nursing homes may not have been requisitioned on account of their capacity, does not take away from the fact that the doctors and paramedic staff working at such nursing homes were also exposing themselves to the risk of contracting COVID and suffering death on that account. It is a well-known fact that at the peak of the pandemic during the first and the second wave, the small nursing homes were also providing the treatment against COVID to thousands of residents of Delhi and if their numbers are put together, they may exceed the number of beds available in Government hospitals and hospitals which were requisitioned by the Government for treatment of COVID. The fact remains that the husband of the petitioner was providing the much-needed medical help to the COVID patients without caring for his life in a totally selfless manner.

5. In the light of the aforesaid, Mr. Narayan submits that he shall file an

affidavit not only placing on record the Cabinet decision referred to, but also the reconsideration of the case of the petitioner's husband for purpose of grant of *ex-gratia* amounts. Let the same be filed within four weeks with advance copy to the petitioner.

6. We hope that the case of the petitioner's husband will be reconsidered by the Cabinet in a favourable manner. List on 11.03.2022.

**VIPIN SANGHI, J**

**JASMEET SINGH, J**

**JANUARY 25, 2022**

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