

WP No. 3232 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 24-08-2026

CORAM

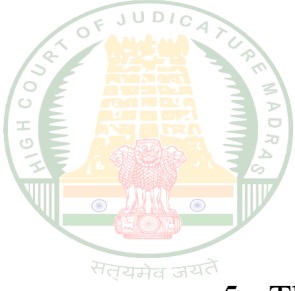
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**WP No. 3232 of 2022**

1. J.Emima
D/o.Late.G.Johnson,
No.14/A, Velankanni Street, Charles Nagar
Pattabiram, Chennai-600 072.
2. J.Jenifer
D/o.Late.G.Johnson,
No.14/A, Velankanni Street, Charles Nagar
Pattabiram, Chennai-600 072.

..Petitioner(s)

Vs

1. The Chairman cum Managing Director
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.
2. The General Manager (PE)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.
3. The Assistant General Manager (PE)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.
4. The Assistant General Manager (IR-L)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.



WP No. 3232 of 2022

WEB COPY

5. The Executive Director (South)
Food Corporation of India, Zonal office,
No.3, Haddous Road, Thousand Lights,
Chennai-600 006.
6. The General Manager,
Food Corporation of India, Regional Office,
NO.8, Sathiya Moorthy road,
FSD Egmore Complex, Chennai-600 031.
7. The Divisional Manager,
Food Corporation of India, Divisional office,
No.8 4th floor, Satyamurthy Road, Chetpet,
Chennai-600 031.
8. The Manager,
(Direct Payment System Admin)
Food Corporation of India, No.8, 4th Floor,
Satyamurthy Road, Chetpet, Chennai-600 031.

..Respondent(s)

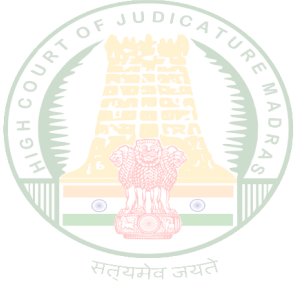
Writ Petition filed under Article 226 of the Constitution of India, directing the respondents to sanction and disburse the Monetary compensation amount of Rs.15,00,000 payable to the petitioners with regard to the death of the deceased petitioners with regard to the death of the deceased petitioners father G.Johnson pursuant to the circular No.24-2020-16 dated 11.04.2020 of the 2nd respondent along with the petitioners representation dated 24.11.2021 made to the 7th respondent herein within the time frame fixed by this Honourable Court.

For Petitioner(s):

For Respondent(s):

Mr.S.Srinivasan

Mr. M.Imthias For R1 To R8



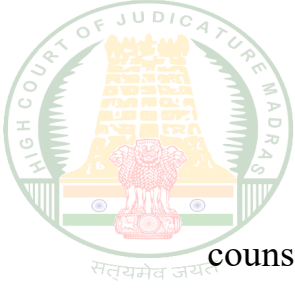
WP No. 3232 of 2022

ORDER

WEB COPY

The present writ petition has been filed seeking a direction to the respondents to sanction and disburse the monetary compensation amount of Rs.15,00,000/- payable to the petitioners with regard to the death of the deceased petitioner's father Mr.G.Johnson, pursuant to the Circular No.24-2020-16, dated 11.04.2020 of the 2nd respondent along with the petitioners representation dated 24.11.2021 made to the 7th respondent.

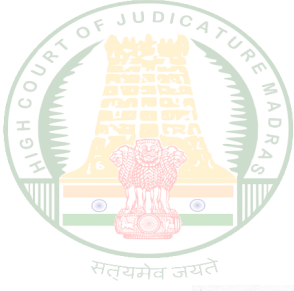
2. The learned counsel for the petitioners would submit that the petitioners are the daughters of the deceased of one Mr. G. Johnson, who worked under the Food Corporation of India. During the second wave of the Covid-19 pandemic, Mr.G.Johnson (hereinafter called "deceased employee") tested positive on 31.05.2021 and was immediately admitted to the respondent's accredited hospital, namely Dr. Mehta's Hospital. On 10.06.2021, he was discharged with a specific medical instruction to remain in quarantine for an additional 14 days, which falls on 24.06.2021. Thereafter, the deceased employee rejoined duty on 12.07.2021 but died within three days of resuming work qua on 15.07.2021. The learned



WP No. 3232 of 2022

WEB COPY

counsel would submit that the deceased employee died due to Covid-19 complications, that there is a direct and reasonable nexus between the Covid-19 infection sustained by him and his subsequent sudden death. In support of this contention, he relied upon the Death Report given by them on 19.07.2021, which categorically mentioned that the cause of death as Covid-19. However, the learned counsel would fairly submit that the Medical Certificate attached to the death report discloses the immediate cause of death as 'Cardiac Arrest'. The learned counsel would also invite the attention of this Court to the Office Memorandum issued by the Government of India dated 03.09.2021, and it's scanned image is depicted hereunder:



WP No. 3232 of 2022

WEB COPY

F. No. C.18018/11/2021-DMCell
Government of India
Ministry of Health & FW
(Disaster Management Cell)

Nirman Bhawan, New Delhi
Dated the 3rd September 2021

OFFICE MEMORANDUM

In pursuance of Hon'ble Supreme Court directions vide orders dated 30.06.2021 in the in W. P. (C) No. 554/2021 titled Reepak Kansal Vs. Union of India & Ors. and W. P. (C) No. 539/21 titled Gaurav Kumar Bansal Vs. Union of India & Ors. wherein Hon'ble Supreme Court has directed to issue simplified guidelines for issuance of Death Certified/official document stating the exact cause of death, i.e., "Death due to Covid-19", to the family members of the deceased who died due to Covid-19, I am to enclose herewith "Guidelines for Official Document for COVID19 Death".

This issues with the approval of Competent Authority.

Pradeep Khasnabis
(Dr. Pradeep Khasnabis) 3/9/21
DDG, DM Cell
Tel: 011-23060777

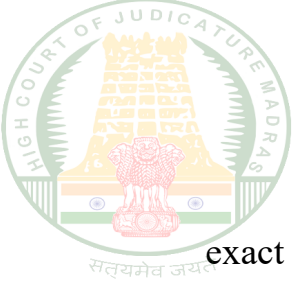
Enclosure as above

Addl. Chief Secretary (Health)/Principal Secretary (Health) of all States & UTs

Copy for information to:

1. Sr. PPS to Sec (H)
2. Sr PPS to Member Secretary, NDMA,
3. Sr.PPS to Sh. Govind Mohan, Addl. Secretary, Ministry of Home Affairs
4. Sr. PPS to AS (H)
5. Sr. PPS to JS (LA)

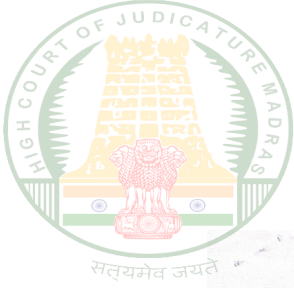
3. According to the aforementioned Office Memorandum, the Hon'ble Supreme Court of India directed the issuance of simplified guidelines for issuing Death Certificates or official documents stating the



WP No. 3232 of 2022

exact cause of death as 'Death due to Covid-19'. The learned counsel would further submit that the said Office Memorandum was issued after more than 45 days from the date of death of the employee. Therefore, the mere absence of a specific reference of 'Death due to Covid-19' cannot be taken advantage of by the respondents.

4.The learned counsel for the petitioners would also rely upon the guidelines for official documentation of Covid-19 deaths, issued by the Government of India pursuant to the Hon'ble Supreme Court's order dated 30.06.2021 in W.P. (Civil) No. 539 of 2021 and W.P. (Civil) No. 554 of 2021, the scanned image of which is depicted hereunder:



WP No. 3232 of 2022

WEB COPY

Government of India

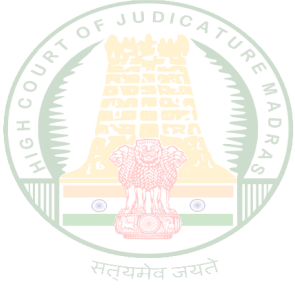
Ministry of Health & Family Welfare & Indian Council of Medical Research Guidelines for Official Document for COVID19 Death (Issued in compliance to the Hon'ble Supreme Court order dated 30.06.2021 in WP(Civil) No. 539 and WP (Civil) 554 of 2021)

I. Background

Since the beginning of the Covid-19 pandemic, Indian Council of Medical Research (ICMR) and Ministry of Health & Family Welfare have been issuing specific guidelines to States/UTs based on World Health Organization's (WHO) guidelines & global best practices on reporting Covid deaths. Relevant officers in States/UTs have also been trained on correct recording of deaths related to Covid-19. Hon'ble Supreme Court in Writ Petition (Civil) No. 539 and 554 of 2021 directed the Central Government to issue simplified guidelines for issuance of Official Document relating to COVID-19 deaths to the family members of the deceased, who died due to COVID-19. Hon'ble Court had directed that such guidelines may also provide the remedy to the family members of the deceased who died due to COVID-19 for correction of the Medical Certificate of Cause of Death/Official Document issued by the appropriate authority.

2. Guiding Principles

- i. COVID-19 cases, for the purpose of these Guidelines, are those which are diagnosed through a positive RT-PCR/ Molecular Tests/ RAT OR clinically determined through investigations in a hospital/ in-patient facility by a treating physician, while admitted in the hospital/ in-patient facility.
- ii. Deaths occurring due to poisoning, suicide, homicide, deaths due to accident etc. will not be considered as COVID-19 deaths even if COVID-19 is an accompanying condition.



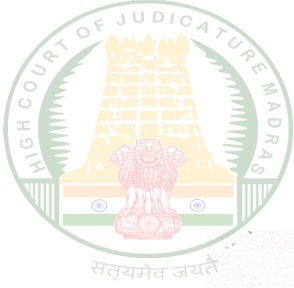
WP No. 3232 of 2022

WEB COPY

3. Scenario based approach and Interventions

- i. COVID-19 cases which are not resolved and have died either in hospital settings or at home, and where a Medical Certificate of Cause of Death (MCCD) in Form 4 & 4 A has been issued to the registering authority, as required under Section 10 of the Registration of Birth and Death (RBD) Act, 1969, will be treated as a COVID-19 death. Registrar General of India (RGI) will issue necessary guidelines to Chief Registrars of all States/UTs.
- ii. As per the study by Indian Council of Medical Research (ICMR), 95% deaths take place within 25 days of being tested Covid positive. To make the scope broader and more inclusive, deaths occurring within 30 days from the date of testing or from the date of being clinically determined as a COVID-19 case, will be treated as 'deaths due to COVID-19', even if the death takes place outside the hospital/ in-patient facility.
- iii. However, a COVID-19 case, while admitted in the hospital/in-patient facility, and who continued as the same admission beyond 30 days, and died subsequently, shall be treated as a COVID-19 death.
- iv. In cases where the MCCD is not available or the next of kin of the deceased is not satisfied with the cause of death given in MCCD (Form 4/4A), and which are not covered by the aforesaid scenarios, the States/ UTs shall notify a Committee at district level consisting of Additional District Collector, Chief Medical Officer of Health (CMOH), Additional CMOH/ Principal or HOD Medicine of a Medical College (if one exists in the district) and a subject expert, for issuance of the Official Document for COVID-19 Death. The Committee will follow the procedure outlined below:

2 | Page



WP No. 3232 of 2022

WEB COPY

- a. The next of kin of the deceased shall submit a petition to the District Collector for issuance of the appropriate Official Document for COVID-19 Death.
- b. The Official Document for COVID-19 Death will be issued in the format annexed to these Guidelines by the aforesaid district-level Committee after due examination and verification of all facts.
- c. The Official Document for COVID-19 Death shall also be communicated to Chief Registrars of States/UTs and Registrar of Birth and Death, who issued the death certificate.
- d. The Committee shall also examine the grievances of the next of kin of the deceased, and propose necessary remedial measures, including issuance of amended Official Document for COVID-19 Death after verifying facts in accordance with these guidelines.
- e. The applications for issuance of Official Document for COVID-19 Death and for redressal of grievances shall be disposed off within 30 days of submission of the application/ grievance.

[Prof. (Dr.) Balram Bhargava]
Director General,
Indian Council of Medical Research

(Rajesh Bhushan)
Secretary
Ministry of Health & Family Welfare

Annexure 1 - Brief of ICMR study

Annexure 2 - Format of Official Document for COVID-19 Death

3 | Page



WP No. 3232 of 2022

According to the above guidelines, any death within 30 days from the Covid-19 positive, outside the hospital should be considered as Covid-19 death. Hence, he prays to allow this writ petition.

5.Per contra, the learned Standing Counsel for the respondents submitted that the medical certificate issued by the Avadi Municipal Corporation clearly states the cause of death as “cardiac arrest”, with no reference to COVID-19. However, the scheme provided by the respondent Corporation is strictly limited to deaths arising out of COVID-19. He further submitted that the deceased labourer had experienced only mild symptoms of COVID-19 and was admitted to their accredited hospital on 31.05.2021, where he received proper treatment, recovered from the virus, and was discharged on 10.06.2020. Thereafter, he rejoined duty on 12.07.2021 and unfortunately passed away on 15.07.2021. While expressing sympathy regarding the unfortunate death, noting the time lapsed between the discharge from the hospital and his demise, the learned Standing Counsel would contend that it cannot be classified as a COVID-19 death. He further submitted that despite specific instructions to the deceased employee for a medical review



WP No. 3232 of 2022

within 14 days, the deceased employee failed to do so, and this inaction cannot be held against the respondents. Hence, he prayed for the dismissal of the writ petition.

6.I have given my anxious consideration to the submissions made on either side and perused the material available on record.

7.It is not in dispute that a beneficial scheme for Covid-19, was introduced by the respondent Corporation vide Circular dated 11.04.2020. Further, it is also not in dispute that the petitioner's father was employed as a labourer in the respondent-Corporation. According to the above Circular, if a labourer dies due to COVID-19, their family members are entitled for a compensation amounting to Rs.15,00,000/-. It is also not in dispute that this beneficial Scheme was in force at the time of the death of the petitioner's father. Though the learned Standing Counsel strongly opposes this writ petition, he fairly conceded that the deceased labourer was initially infected with COVID-19 on 31.05.2021 and had undergone treatment for the same.

8.But, the primary objection raised by the respondent is that the medical certificate issued by the Avadi Municipal Corporation records the cause of death as 'Cardiac Arrest' and not as Covid-19 death.



WP No. 3232 of 2022

Therefore, now the core issue to be considered is, Whether a reference to 'Cardiac Arrest' under these circumstances is sufficient to deny the Insurance scheme provided for COVID-19 death.

9.This Court has strong reasonable belief on the nexus between the COVID-19 infection contracted by the deceased employee and his subsequent demise on 15.07.2021. At this juncture, it is relevant to refer the above mentioned Government of India Circular dated 03.09.2021. Through the above circular, a guideline was issued for issuance of death certificate/official documents stating the exact cause of death.

10.In the case in hand, the deceased after initial treatment has discharged from the hospital, admittedly, on the date of his discharge, he did not recover from Covid 19. Even according to the respondent's counter statement, he was discharged inspite of having Covid-19, and was asked to be in quarantine for another 14 days. To put it differently, there are no records to rule out the Covid-19 complications. The Government of India guidelines issued in furtherance of the order of the Hon'ble Supreme Court, has clearly captured that as per the study by Indian Council of Medical Research (ICMR), 95% deaths take place within 25 days who was tested Covid positive. Therefore, any death taken place



WP No. 3232 of 2022

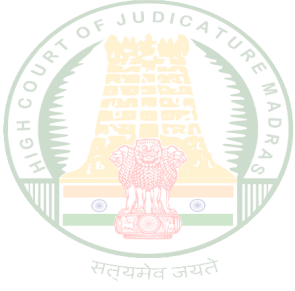
within 25 days of Covid-19 tested positive patient has to be construed as death due to Covid-19.

11. Thus, It is amply clear that scientifically and through detailed enumeration of datas, the Indian Council of Medical Research, who is the Apex body in the field of Medicine has clearly stated that 95% deaths take place within 25 days of being tested Covid positive. This needs to be kept in mind while adjudicating upon the claim of the petitioner.

12. In the case in hand, the deceased was tested positive on 31.05.2021, and he died on 15.07.2021. At this juncture, certain datas are relevant.

Swab Test taken on	30.05.2021
Test positive for Covid 19	31.05.2021
Admitted in hospital	31.05.2021
Discharged on	10.06.2021

But, while discharging, his Covid infection admittedly continues and he was asked to be in quarantine for further 14 days. According to the circular, continued treatment for more than 30 days in hospital and if death occurs, then such death has to be treated as Covid-19 death.

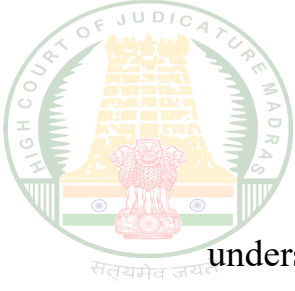


WP No. 3232 of 2022

WEB COPY

13. In the case in hand, the death was not in hospital and there was a delay of 15 days over and above the 30 days window given in the circular. But, the respondent would contend that the deceased employee did not resume to the hospital to follow up. Though the same cannot be denied, the records submitted by the petitioner discloses that the petitioner has taken treatment in various hospitals in the interregnum, which strengthened the petitioner's contention that the deceased employee was not allowed to continue his treatment in the accredited hospital on account he being the labour and discharged from the hospital even during his infection of Covid continues. Though there is a dispute towards the reason for such discharge, the fact remains that the petitioners' father was discharged from the hospital, while his infection of Covid 19 continues.

14. We may also take a judicial notice, it was the time the second wave of Covid was at its peak and every patients find it difficult to have an admission in the hospitals. Though the respondent has taken all sorts of defence, in retrospect, while reflecting upon the second wave of Covid, it was highly challenging environment. Everyone were in the feeling of embarkments to a destination of no return. It was the time this generation



WP No. 3232 of 2022

understand the impact of the word “Pandemic” and even the mighty Government has challenging time in their prognosis. The entire human kind was facing a new challenge which they never imagine in the past.

15. It is easier said than done to say that the petitioners’ father did not resume his further treatment. But, it is an unfortunate truth that inspite of the fact that Covid-19 infection continues, the petitioners’ father was discharged from the hospital. It was the time even influential person found it difficult to have an admission in the hospital. As a matter of fact, it was the situation to every one that “what could not be cured has to be endured”, which resulted in unfortunate death of the petitioners’ father. This Court is of the firm opinion that the defence of the respondent that the death certificate did not contain the death caused due to Covid is only a hyperbolic defence.

16.As already stated, only subsequent to the death of the petitioners’ father, the regulations and guidelines as to how the death certificate to be issued was introduced. The medical records submitted by the petitioners shows the deceased unquenchable optimism to come out from the infection. But, he failed. Though the certificate given by the Doctor had stated the reason for death as a “cardiac arrest”, we should not



WP No. 3232 of 2022

WEB COPY

loose sight that the petitioner while giving application to register death categorically mentioned that it was Covid death. Hence, this Court has impregnable reasons to believe that the death of the deceased was due to Covid. Navigating the above detailed facts, datas, events and the Government Circulars, more particularly the request made by the petitioners within two days of the death of their father, by referring that the cause of death was due to Covid-19 would compel this Court to explore the silence in the nature of infection, treatment and his sudden death within a short spam of time, that too while taking continuous treatment though not in the accredited hospital.

17.The normal canon of interpretation in a remedial Statute receives liberal construction whereas a penal statute calls for strict construction. In the cases of remedial statutes, if there is any doubt, the same is resolved in favour of the class of persons for whose benefits the statute is enacted. In the case in hand, though we are dealing the Government circular, the very scheme was introduced for the benefit the legal heirs. Unfortunately, the deceased infected Covid-19 while he was in service. From the date of coming to the knowledge of his infection status, he died within 45 days. The respondents cannot deny the benefits

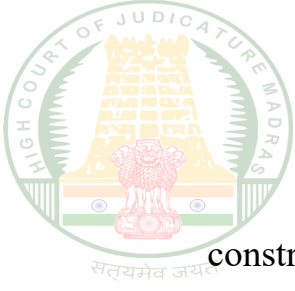


WP No. 3232 of 2022

of the scheme on the premise that the death occurred after 15 days over and above the 30 days of the window given by the Government of India, when there are no records to rule out the death was not due to Covid.

18.From the above narration, there is a possibility for two views on account of reasons stated by the petitioners for their father's death due to Covid-19, and the Doctor's certificate that the deceased died due to the "cardiac arrest". In such circumstances, whenever, we deal any beneficial legislation or beneficial schemes, it is incumbent upon the Court to lean towards beneficiary.

19.It is relevant to refer the judgment of the Hon'ble Supreme Court in *Maniben Maganbhai Bhariya Vs. District Development Officer, and others* reported in (2022) 16 SCC 343, wherein the Hon'ble Supreme Court has held that social security legislations must be liberally with widest meaning which the language permits, known as beneficial interpretation. It is also relevant to refer the judgment of the Hon'ble Supreme Court in *Urmila Dixit Vs. Sunil Sharan Dixit and others* reported in (2025) 2 SCC 787, wherein the Hon'ble Supreme Court has held that the beneficial legislation must be liberal and purposive



WP No. 3232 of 2022

construction and when two views are possible the one is favouring the beneficiary should be adopted.

20. In view of the above detailed discussion of fact, the position of law and the availability of the scheme, this Court is of the firm view that the petitioners are entitled to have a relief of Mandamus.

21. Accordingly, this Writ Petition stands allowed and the respondents are directed to sanction and disburse the monetary compensation of Rs.15,00,000/- within a period of four(4) weeks from the date of receipt of a copy of this order. If there is any delay in settlement, the same would also attract 6% interest from the date of receipt of a copy of this order until the actual disbursal. No costs.

24-08-2026

Index: Yes

Speaking order

Neutral Citation: Yes

KMI

To

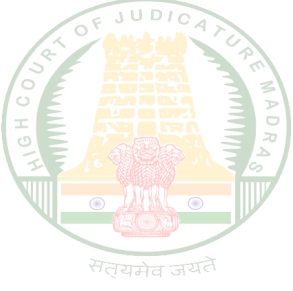
1. The Chairman cum Managing Director
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane, New Delhi-110 001.

2. The General Manager (PE)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane, New Delhi-110 001.



WP No. 3232 of 2022

- 3.The Assistant General Manager (PE)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.
- 4.The Assistant General Manager (IR-L)
Food Corporation of India, Head quarters,
No.16-20, Barakhamda Lane,
New Delhi-110 001.
- 5.The Executive Director (South)
Food Corporation of India, Zonal office,
No.3, Haddous Road, Thousand Lights,
Chennai-600 006.
- 6.The General Manager,
Food Corporation of India, Regional Office,
NO.8, Sathiya Moorthy road, FSD Egmore Complex,
Chennai-600 031.
- 7.The Divisional Manager,
Food Corporation of India, Divisional office,
No.8 4th floor, Satyamurthy Road, Chetpet,
Chennai-600 031.
- 8.The Manager,
(Direct Payment System Admin)
Food Corporation of India, No.8, 4th Floor,
Satyamurthy Road, Chetpet,
Chennai-600 031.



WEB COPY

WP No. 3232 of 2022

C.KUMARAPPAN, J.

KMI

WP No. 3232 of 2022

24-08-2026

Page20 of 20