

(2021) 06 KL CK 0055
In the High Court Of Kerala
Case No : Writ Petition No. 11312 Of 2021

Benny Antony Parel

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 03-06-2021

Acts Referred:

Maintenance and Welfare of Parents and Senior Citizens Act, 2007 — Section 20

Citation : (2021) 06 KL CK 0055

Hon'ble Judges : A.Muhammed Mustaque, J;Dr.Kauser Edappagath, J

Bench : Division Bench

Judgement

A.Muhammed Mustaque, J.

1. Read order dated 24.05.2021.

2. Today, the learned Government Pleader, in response to the above order would submit that the Government has passed an order on 2.06.2021, to

include the judicial officers and staff of the High Court and Subordinate Courts in the priority category for Covid 19 vaccination.

3. According to the learned counsel Sri. Saiby Jose Kindangoor, the very idea of including the judicial officers and the staff in the priority category is

to ensure that timely justice is rendered to the public. However, it is submitted that the Government remains oblivious to the plight of the lawyers and

clerks, who are indispensable part of administration of justice. It is pointed out by the learned counsel that it is because of the intervention of the Court

that timely justice has been rendered to the citizens even during the period of pandemic. The learned counsel further submitted that without the

lawyers and clerks, any inclusion of judicial officers and staff of the High Court and Subordinate Courts in the priority category would become

meaningless.

4. The learned Government Pleader seeks time to get further instructions from the Government in this regard.

5. The administration of justice even during the period of pandemic is a big challenge for the judicial institutions. Today, many of the directions issued

by the Courts in this country have come to the rescue of the citizens who have been deprived of many essential supplies including vaccine. In

administration of justice, lawyers and clerks have equal participation and without their active participation, the institution cannot discharge their duties.

If the Government has decided to give priority to the judicial officers and staff of the High Court and Subordinate Courts, for the same reason, the

practicing lawyers and the clerks should also be given priority, as they are indispensable part of dispensation of justice and without their participation, it

is impossible for the institution to function.

6. As rightly, pointed out by the learned counsel Sri. Saiby Jose Kindangoor, the entire exercise of including judicial officers and staffs in the High

Court and Subordinate Courts in the priority category would become meaningless if practicing lawyers and clerks are not included.

7. In the light of fact that the Government has already included the judicial officers and staff of the judiciary in the priority category, we are of the

considered view that the practicing lawyers and clerks also can be included as otherwise the very purpose of inclusion of the judicial officers and

staffs would become meaningless. The benefit need to be given only to lawyers and clerks who are actually engaged in the practice. The Government

can devise any modalities to find out such lawyers and clerks. Therefore, we direct the Government to include the practicing lawyers and clerks in the

priority category for Covid 19 vaccination along with the judicial officers and other staffs in the light of Government Order dated 2.6.2021. Needful

shall be done within a period of 10 days.

8. In fact, this being a public interest litigation, we also need to highlight certain aspects related to the senior citizens. One of the brother Judges of this

Court Mr. Justice A.K. Jayasankaran Nambiar has pointed out the plight of senior citizens who are living alone and who have no assistance from

others. The learned Judge pointed out an instance of death of a senior citizen in Palakkad due to Covid, who could not get timely care and attention of

the health department. Under Section 20 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, a duty is cast upon the State to

ensure medical support to the senior citizen. The learned Judge also pointed out that the Janamaithri Police, in fact, made such enquiry in Ernakulam

District to enquire about the well-being of his own mother, who is living alone. However, it appears it is not being carried out effectively throughout the

State. Therefore, the Government has to ensure that the Janamaithri Police or the Station House Officer take details of the senior citizens in their

jurisdiction to ensure that timely help is bestowed to senior citizens. It is seen from the Government Order dated 2.6.2021 that the Government

included bedridden patients in the priority category for vaccination. If the bedridden patients and senior citizens who cannot move out of home due to

illness or any kind of disability, are not vaccinated from their home, the very purpose of such vaccination would be frustrated. It is appropriate that the

Government makes every effort to ensure that bedridden patients as well as senior citizens who cannot move out are provided vaccination at their

residence itself. Appropriate decision shall be taken in this regard within ten days.

Post after two weeks.