

(2026) 03 BOM CK 0399

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No. 11772 Of 2022

Maya Dattatraya Shinde

APPELLANT

Vs

State of Maharashtra & Anr

RESPONDENT

Date of Decision : 12-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2026) 03 BOM CK 0399

Hon'ble Judges : Madhav J. Jamdar, J;Pravin S. Patil, J

Bench : Division Bench

Advocate : Vishwanath S. Talkute, Sampada S. Patil, S. B. Kalel, Dhananjayrao Rananaware

Final Decision : Disposed Of

Judgement

Madhav J. Jamdar, J

1. Heard Mr. Talkute, learned Counsel for Petitioner, Mr. Rananaware, learned Counsel for Respondent No.2 and Mr. Kalel, learned AGP for Respondent No.1/ State.

2. By this Petition filed under Article 226 of the Constitution of India, the Petitioner is challenging order dated 15/2/2021, by which, it has been held that as the deceased husband of the Petitioner i.e. Dattatraya Shinde was not doing actual duty related to COVID-19 pandemic, and therefore, the Petitioner is not entitled for the compensation which is to be given to the family members of the employees, who succumbed to COVID-19 pandemic while performing their duties.

3. Before setting out the rival contentions and consideration of the same, it is relevant to note certain factual aspects. Chart of date and events has been handed over by the learned Counsel appearing for the Petitioner, which is set out herein below:-

IMPORTANT EVENTS

4. As per the contention of the Petitioner, her husband was working as a Traffic Controller at the relevant time from 1/2/2020 to 22/9/2020. In fact it is her case that her husband was working as a Bus Conductor at the relevant time i.e. between 23/9/2020 upto 27/9/2020. It is admitted position that on 28/9/2020 the Petitioner's husband was declared as COVID positive and was admitted in the Hospital i.e. Shlok Hospital, Pune. However, as facilities were not available at Shlok Hospital, the Petitioner's husband was admitted in Ruby Hall Clinic, Pune on 30/9/2020, where he succumbed to COVID-19 on 15/10/2020.

5. It is the submission of Mr. Talkute, learned Counsel appearing for the Petitioner that the Petitioner's case is covered by the Policy dated 1/6/2020 of the Respondent No.2/Maharashtra State Road Transport Corporation (MSRTC). He submits that although the period of policy is till 30/9/2020, however, admittedly the Petitioner's husband was declared as COVID-19 positive on 28/9/2020 and he was admitted in Ruby Hall Clinic, Pune on 30/9/2020 and ultimately succumbed to COVID-19 on 15/10/2020. He submits that as the Petitioner has been detected as suffering from COVID on 28/9/2020, the said policy dated 1/6/2020 of the Respondent No.2 is applicable to the Petitioner.

6. On the other hand, Mr. Rananaware, learned Counsel appearing for the Respondent No.2/MSRTC submitted that as cut off date is specified as 30/9/2020, the Petitioner's husband is not covered by the said policy. Apart from that, it is his contention that the Petitioner's husband was not doing the duty in public, and therefore, case of the Petitioner's husband is not covered under the said policy.

7. As set out herein above, Petitioner's husband was working as a Traffic Controller at the relevant time. In fact, it is the case of the Petitioner that her husband was working as a Bus Conductor between 23/9/2020 to 27/9/2020. However, even if it is assumed that as per the contention of the Petitioner that the Petitioner's husband was working as a Traffic Controller at the relevant time between 1/2/2020 to 22/9/2020, what is relevant to note is, paragraph No. 3 of the policy dated 1/6/2020 of the Respondent No.2, which reads as under:

Thus, it is clear that even the Traffic Controllers are covered by the policy.

8. In this behalf it is relevant to note in the statement dated 29/7/2020 of Petitioner's husband – Dattatraya Shinde i.e. Traffic Controller of S. T. Depot, Satara, wherein he has stated that he has brought in a Jeep No. MH-06-BM-0654 on 9/4/2020 along with four drivers from their respective residence to Navodaya Vidyalaya, Khavali, Tahsil and District Satara and admitted in Corona Center as per the directions of the Superiors. Thus, it is clear that even as Traffic Controller, deceased Dattatraya Shinde was doing duty of such a nature wherein he was to come in contact with the people.

9. It is relevant to note report dated 24/2/2021 of Depot Manager of S. T. Stand, Satara, wherein it has been stated that on 28/9/2020 the Petitioner's husband was admitted in the Hospital, and before that, he was doing various duties and

for that purpose he was coming in contact with the passengers. Thus, the requirement of the policy dated 01/06/2020 of the Respondent No.2 wherein it is provided that the Traffic Controllers who are coming in contact with people are covered under said policy is fulfilled.

10. Although it is correct that the said policy is till 30/9/2020, however, the State Government has extended the benefit to the COVID affected persons by Government Resolution dated 14/10/2020 for the period from 30/9/2020 till 31/12/2020. Thereafter by further Government Resolution dated 25/04/2022 the same was extended till 30/6/2021. The policy made by the State Government is binding on all the Authorities of the State Government including of Respondent No.2/MSRTC. Thus, the said policy dated 01/06/2020 deems to have extended till 30/06/2021. Thus, even otherwise also the Petitioner's case is covered by the said policy.

11. Even assuming that the said policies of the State Government are not applicable to the employees of the Respondent No.2, and the policy, which is applicable to the employees of the Respondent No.2 is policy dated 1/6/2020, still clause No. (5) of the said policy specifying that the said policy will apply till 30/9/2020 will have to be construed as being the date before which the deceased employee of the Respondent No.2 has infected with COVID-19.

12. Admittedly in this particular case, the Petitioner's husband was declared as COVID positive on 28/9/2020 and he was admitted to Shlok Hospital, Pune on that date and on 30/9/2020 he was admitted to Ruby Hall Clinic, Pune and succumbed to COVID on 15/10/2020. Thus, it is very clear that the said policy dated 1/6/2020 is applicable to the Petitioner. This reason is in addition to the reason that infact the policy extended by the State Government vide Government Resolution dated 14/10/2020 and the Government Resolution dated 25/04/2022 as extended till 30/6/2021 will apply to the Petitioner.

13. It is relevant to note clause (1) of policy dated 1/6/2020, wherein, it is stated that the employee should be working till his death or for a period earlier than 14 days before his death. Thus, in fact, it is very clear that the said policy dated 01/06/2020 will apply to the employees who are infected by Covid even after 14 days after cut off date of 30/09/2020. In this case the Petitioner's husband has worked till last day before his admission in the Hospital. It is admitted position that he has worked till 27/9/2020 and he was admitted in the Hospital on 28/9/2020.

14. Thus, in the facts and circumstances, it is clear that the Petitioner's case is covered by the policy dated 1/6/2020 of the Respondent No.2 (Page 39 & 40) as also by Government Resolution dated 14/10/2020 read with Government Resolution dated 29/5/2020.

15. Accordingly, Writ Petition is allowed in following terms.

(i) The Respondent No.2/MSRTC shall pay to the Petitioner an amount of

Rs.50,00,000/- as compensation along with interest at the rate of 6% per annum with effect from 15/10/2020.

(ii) The said payment be made within a period of six weeks from today.

16. Accordingly, Writ Petition is disposed of in above terms.

17. Although the Writ Petition is disposed of, stand over to 27th April, 2026 to report compliance of this order.