

(2025) 12 BOM CK 1714

In the Bombay High Court, Kolhapur Bench

Case No : Writ Petition No. 15235 Of 2022

Ramesh Balu Patil

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 23-12-2025

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2025) 12 BOM CK 1714

Hon'ble Judges : M.S. Karnik, J;Ajit B. Kadethankar, J

Bench : Division Bench

Advocate : N. B. Khaire, Tejas J. Kapre

Final Decision : Allowed

Judgement

Ajit B. Kadethankar, J

1. By the present petition, Petitioner has prayed for following substantive relief :

“(a) That this Honorable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, thereby quash and set aside the order dated 24/05/2022 under Ref No. SAS/COVID-19/ KS-58/ COVID-19/ VIMA/ KAVACHPRASTHAV/ 1190124/22. Thereby direct the Respondent No. 1 to allow claim of Petitioner.”

2. Subject matter : Petitioner seeks benefit of the insurance cover / ex gratia assistance admissible to the State Government employees and their dependents in case of death of such employee on account of covid infection during the course of covid related duty. The Petitioner seeks such benefit on account of death of his wife, namely, late Sarita Ramesh Patil. Petitioner's claim is rejected by the Additional Secretary, Government of Maharashtra, Public Health Department on the ground that insurance cover / ex gratia assistance scheme was operational till 30th June 2021 only and since Sarita Ramesh Patil died on 4th July 2021, the insurance cover benefit is not admissible to the Petitioner.

3. Rule. Rule made returnable forthwith. Considering the nature of prayers in the writ petition and facts of the case, we propose to hear the writ petition finally by consent of parties.

4. Petitioner's Argument :

4.1. Learned Counsel for the Petitioner would submit that it is not in dispute that late Sarita Ramesh Patil is the wife of present Petitioner. It is also not in dispute that late Sarita Ramesh Patil was in the service of State Government and was discharging duties concerning covid patients when she suffered covid infection.

4.2 He would further submit that although late Sarita Ramesh Patil expired after 30th June 2021, she was infected prior to 30th June 2021. Mr. Khair, learned Counsel would submit that the insurance cover scheme for the state government employees and their family members is a benevolent scheme introduced by the Government of Maharashtra on the lines of Prime Minister Garib Kalyan Yojana run by the Government of India. He would submit that Petitioner deserves benefit of the scheme without applying the technical parameters. As such he prayed to allow the writ petition.

5. Respondent's argument :

5.1. Ms. Kapre, learned AGP would submit that insurance cover / ex gratia assistance which is subject matter of present petition was a scheme introduced and made operational for a specific period only. She would further submit that confining the scheme to a specific period is a policy decision of State Government and the authority concerned is absolutely justified in discarding Petitioner's claim in view of the terms and conditions of the subject matter scheme. As such, learned AGP would pray to dismiss the writ petition.

6. Consideration and observations :

6.1. The scheme regarding insurance cover / ex gratia assistance to the State Government employees was introduced by the Government of Maharashtra, Finance Department vide Government Resolution dated 29th May 2020. For the sake of convenience, the relevant portion of the Government Resolution dated 29th May 2020 is reproduced below.

"GOVERNMENT RESOLUTION:

Different categories of Government employees in various departments are getting exposed to the Coronavirus in performance of their duties relating to survey, tracing, tracking, prevention, testing, treatment and relief activities for Corona pandemic. State Government is committed to the welfare of such personnel and intends to standby them in such vulnerable situations.

2. In this regard Ministry of Health and Family Welfare, Government of India vide order dated 28.3.2020 has provided an insurance scheme for health workers and healthcare related staff.

3. However, besides healthcare staff a lot of other staff (District administration, Police, Home guards, Anganwadi workers, Finance and Treasury, Food and Civil supply, Water supply and Sanitation, Employees of various departments deputed for house to house survey work etc.) have also been involved in Covid related duties. Therefore, with a view to supporting such personnel in their active line of duty in fighting Covid-19 pandemic and to stand by their families in the event of their unfortunate loss of life, the State Government has taken the following decisions.

A. The government will provide a comprehensive personal accident cover of Rs 50 lakhs to all employees who are on active duty relating to survey, tracing, tracking, testing, prevention, treatment and relief activities for Covid pandemic. The modalities in this regard are being worked out with insurance companies.

B. Till the time such package is worked out and the insurance scheme comes into force, as an interim measure, all cases of deaths of the employees on duties (survey, tracing, tracking, prevention, testing, treatment, relief activities etc.), on account of Covid, will be covered through an ex-gratia assistance of Rs 50 lakhs subject to following conditions:

a. The employee should have been on duty within the 14-day period preceding his/her hospitalization or death. The verification/certification in this regard would be done by District Magistrates or any other designated Head of Departments etc.

b. The medical certification that death is related to Covid-19, would be done on the basis of report of Government/ Municipal/ICMR notified Private Hospital / Laboratory.

c. Employees would include all contractual / OUTSOURCED / daily wages / ad-hoc / honorarium-based staff also.

d. The budget heads in this regard would be notified by the concerned departments.

e. Similar ex-gratia assistance scheme will also be implemented by all Local Bodies and State Govt. Public Undertakings.

C. Provisions of A) and B) will not be applicable to the employees who have been covered under GOI scheme dated 28.3.2020 (Ref. 1) or any other category of employees included by amending that scheme.

3. These orders will be applicable till 30th September 2020."

6.2. Since it is to be noted that considering the demand of time, the scheme was extended till 30th June 2021 vide subsequent Government Resolution dated 14th May 2021, which is reproduced as follows :

7. It is pertinent to note that the benefit of the scheme was for those covid fighters who discharged their duties even during covid pandemic period involving covid related duties. In fact, the contribution of such covid fighters cannot be

measured in terms of money. However, to give some solace to the family members of such covid ighters who lost their lives on account of having been infected by covid-19 while on duty, this benevolent scheme was introduced by the Government of Maharashtra.

8. Recently, the Hon'ble Supreme Court in Pradeep Arora v. Director Health Department Govt of Maharashtra [2025 SCC OnLine SC 2773] observed at paragraphs 27 and 28 as follows :

"27. The country has not forgotten the situation that prevailed at the onset of Covid-19, when every citizen contributed in some measure, despite fear of infection or imminent death. That is also a moment of pride and recognition of the strength of character and discipline that our people demonstrated when circumstances demanded it.

28. The courage and sacriice of by our doctors remain indelible, as ive years following the pandemic that spared us, we are now called upon to interpret the laws and regulations enacted for urgent requisition of doctors and health professionals to safeguard public from the seemingly overwhelming onslaught of Covid 2019. We have no hesitation in concluding that invocation of laws and Regulations were intended to leave no stone unturned in requisitioning the doctors and the insurance scheme was equally intended to assure doctors and health professionals in the front line that the country is with them. In this view of the matter, we are not inclined to take the view that there was no requisitioning of the doctors and medical professionals."

8.1. The case of Pradeep Arora (supra) was in respect of doctors.

9. This Court while dealing with a similar case filed by Vijaya Yashwant Jadhav on account of the death of her husband during the course of covid related duty, namely, Yashwant Jadhav [Writ Petition No. 17617 of 2024–(Vijaya Yashwant Jadhav v. Block Development Oicer) at Kolhapur Circuit Bench, decided on 10th December 2025] observed as follows :

"11. Let us revisit the testing times of COVID-19 pandemic. The world before the onset of COVID-19 was marked by steady progress and normalcy; life around the globe moved with a sense of stability and continuity. However, this sense of normalcy was shattered abruptly when the novel coronavirus, COVID-19, emerged and spread across the globe with alarming speed, disrupting the regular rhythm of life and placing humanity in the midst of an unprecedented public health crisis. The sudden outbreak acted like a formidable demon, disrupting lives, overwhelming the healthcare infrastructure, and inducing widespread fear and uncertainty. Entire economies were a?ected, social structures were challenged, and individuals were forced into protective isolation to safeguard their own health.

12. Amidst this global turmoil, the resilience of the human spirit was examined in a remarkable way. The general public was compelled to adopt protective

measures such as wearing masks, practising sanitisation, and maintaining social distancing, thereby limiting physical contact and restricting movement. Yet, in the face of such grave danger, a category of individuals rose with extraordinary courage and unwavering dedication— our frontline workers, including healthcare professionals such as doctors, nurses, paramedics, sanitation sta?, police personnel, and countless others involved in essential services, became the guardians of life during these testing times. They confronted the COVID-19 pandemic head-on, willingly exposing themselves to substantial personal risk to save others. They worked tirelessly in hospitals, quarantine centres, testing facilities, and vaccination drives. Their commitment often meant being away from families, working long hours under extreme pressure, and facing the trauma of losing patients as well as colleagues.

13. Their role was not just a professional obligation; it was an act of selfless service. They fought not only against a microscopic enemy but also preserved the very foundation of society by ensuring the continued availability of vital healthcare and public services. When the pandemic presented a challenge of unparalleled magnitude for mankind, our frontline workers' resilience, bravery, and sacrifice became the cornerstone of the global response. Tragically, many of these bravehearts made the ultimate sacrifice; their own lives fell victim in their courageous e?orts to save others. In recognising this profound sacrifice, it is a moral and societal imperative to honour frontline workers and extend necessary support to their families, especially the heirs of those who lost their lives. This is the very object of introducing the insurance scheme vide the GR dated 25th April 2022.

14. To deny or restrict the relief to those who passed away after 30th June 2021 would be contrary to the values of justice, fairness, and dignity which animate our constitutional order, and also contrary to public conscience and societal gratitude. The hardships faced by these workers and their families during the pandemic were immense and deserve recognition beyond mere symbolic gestures. Monetary benefits granted through a generous interpretation of the GR provide tangible relief to these families. Such an approach also sends a powerful message of societal value placed on self-sacrifice and inspires future generations to act with similar courage when called upon in the wake of testing times.

15. This would be in tune with the constitutional ethos that the State must act with sensitivity towards those who have su?ered and must not allow procedural rigidity to eclipse substantive justice. It reinforces the societal acknowledgement that the courage displayed by frontline workers remains a beacon of hope in a time of despair."

10. In the case in hand, undisputedly late Sarita Ramesh Patil was working as data entry operator at Primary Healthcare Center, Kadgaon, Taluka Gadhinglaj, District Kolhapur on contractual basis. It is not disputed that she was discharging her duties at the said Primary Healthcare Center under the project National Rural Health Mission, Zilla Parishad, Kolhapur when Covid-19 pandemic was in full

force. It is also not in dispute that her assistance to her office is nonetheless than the Covid-19 related duties. As such, although late Sarita Ramesh Patil expired on 4th July 2021, i.e., after the outer limit fixed for giving benefit of insurance scheme, the fact remains that she suffered Covid-19 infection and was hospitalized much prior to the said cutoff date and while discharging her official duties during the pandemic period.

11. We hold that the benevolent scheme formulated under the Government Resolution dated 29th May 2020 and subsequent Government Resolution dated 14th May 2021 cannot be given a narrow meaning anymore. We declare that "it is not the date of death, but the date of contracting Covid-19 infection which is material for grant of insurance coverage under the Government Resolution dated 29th May 2020 read with Government Resolution dated 14th May 2021".

12. Now, last but not the least, we record our considered opinion that 'nature of service' of a Covid fighter who dies while on duty due to covid infection, is immaterial to apply the benefits of insurance scheme to the family members of such employee. Discarding a claim on the ground that deceased employee was merely an outsourced contractual employee would, in our conscious opinion, would defeat the very purpose of the scheme. This is because as a result of the active contribution of such employees in the fight against Covid-19 pandemic, such employee suffers infection of Covid-19 during the course of employment.

13. Agony and pains of family members of a Covid fighter are the same, irrespective of the nature of employment of such employee. The impact of covid infection equally affects employees and their family members irrespective of job / tenure of job of such employee. Hence, we hold that case of deceased Sarita Patil would fall within the meaning of "all employees" as given under clause 3(A) of Government Resolution dated 29th May 2020. We also hold that late Sarita Ramesh Patil although engaged on contractual basis by an outsourcing agency, namely, "Arihant Sales and Services", she would be covered by the category of employees mentioned in clause 3(B)(c) of Government Resolution dated 29th May 2020.

13. In view of this, we pass following order :

a] Writ petition is allowed in terms of prayer clause (a).

b] The impugned communication dated 24th May 2022 issued by the Additional Secretary, Government of Maharashtra, Public Health Department is hereby quashed and set aside.

c] Respondent Nos.1 and 2 shall extend the benefit of Government Resolution dated 29th May 2020 and Government Resolution dated 14th May 2021 to the Petitioner within a period of eight weeks from the date of receipt of a copy of this order.

d] The District Health Officer, Zilla Parishad, Kolhapur to get these directions executed from the Respondent Nos.1 and 2. As such the Health Officer, Primary

Health Care Center, Kadgaon, Taluka Gadhinglaj, district Kolhapur and the District health Officer, Zilla Parishad, Kolhapur would assist the Petitioner for release of insurance cover benefit under the subject matter scheme.

14. Rule is made absolute in above terms.