

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION STAMP NO.10588 OF 2020
(Madan Bhausaheb Barkul and another Vs. The State of
Maharashtra and others)

Mr.G.K.Naik Thigle, Advocate for the petitioners.
Mr.D.R.Kale, Government pleader and Mr.A.M.Phule, AGP, for
respondent Nos. 1 to 4 and 7.
Mr.Rajdeep Raut, Advocate for respondent Nos. 5 and 6.

(CORAM : Ravindra V.Ghugre, J.)

DATE : 12/05/2020

PER COURT :

1. Leave to add the Principal Secretary, Rural Development,. Government of Maharashtra as respondent No.7. Addition to be carried out. The learned Government Pleader appears on behalf of respondent No.7.

2. The petitioners are elected members of the Zilla Parishad, Osmanabad. They have served all the respondents. They have put forth prayer clause "B" and "C" as under :-

"B. Rule may kindly be made absolute by issuance of writ of Mandamus or any other appropriate writ, order or direction in the like nature to direct respondent Nos. 1 to 3 to grant proposal dated 16/04/2020 submitted by respondent No.5 in tune with Exhibit "C" within reasonable period consider the

emergent situation in accordance with Law.

C. Rule may kindly be made absolute by issuance of writ of Mandamus or any other appropriate writ, order or direction in the like nature to direct respondent Nos. 1 to 3 to take appropriate decision on the proposal dated 16/04/2020 submitted by respondent No.5 in tune with Exhibit "C" within a reasonable period considering the emergent situation in accordance with Law."

3. Mr.Thigale, the learned Advocate for the petitioners points out the Government Resolution dated 29/03/2020 which advances assistance to all employees and such persons who have been displaced, on account of the lock down implemented for the containment of COVID-19 pandemic. The Government of Maharashtra is obliged to ensure that such displaced employees and migrants are supported with food, shelter, water and medical facilities. They are entitled to be fed through the Centralized Kitchen Mechanism. These facilities are to be extended through the Zilla Parishads of each district. According to the petitioners, it is only the Osmanabad District Administration which has yet not received any orders from the State Government to implement the GR dated 29/03/2020 and extend the benefits to the needy and the displaced/migrant employees.

4. It is further pointed out that the C.E.O. Zilla Parishad, Osmanabad has already addressed the Additional Chief Secretary, Rural Development, Government of Maharashtra by his communication dated 16/04/2020. The learned Advocate for the petitioners has also placed on record, as an example, the necessary instructions issued to the C.E.O. Zilla Parishad, Beed by the Deputy Secretary, Rural Development, State of Maharashtra vide communication dated 28/04/2020.

5. The learned Government Pleader appearing on behalf of the State Authorities submits that the State Government is committed to rendering proper assistance to persons who fall in the categories mentioned in the GR dated 29/03/2020 and he would convey to the Government to take a decision urgently on the communication dated 16/04/2020 by the C.E.O. Zilla Parishad, Osmanabad. The learned Advocate appearing on behalf of Respondent Nos. 5 and 6 submits that the said GR needs to be implemented in letters and spirit.

6. I find that the cause put forth by the petitioners requires urgent attention and action in deeds. The State of Maharashtra is expected to take a decision in view of the communication of the

C.E.O. Zilla Parishad, with utmost expediency keeping in view that no decision has been taken for the last 26 days. The agonies suffered by the displaced employees/migrants and those affected by the lock down, need to be redressed immediately.

7. In view of the above, this petition is disposed off with a direction to respondent Nos.1, 2 and 7 to take a decision on the communication of the C.E.O. Zilla Parishad, Osmanabad dated 16/04/2020, as expeditiously as possible, and in any case, on or before 18/05/2020. In the meanwhile, respondent Nos.3, 4 and 5 are at liberty to take assistance of such voluntary organizations who are willing to supply food, water and shelter to the affected persons from the Osmanabad district so as to avoid starvation of the affected persons.

(Ravindra V.Ghuge, J.)