

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.10488 of 2021

S.Kalimuthu Mylavan

.. Petitioner

-vs-

1. The Chairperson,
National Disaster Management Authority,
Government of India,
NMDA Bhavan,
Safdarjung Enclave,
New Delhi.
2. The Home Secretary and Chairman,
National Executive Committee (NEC),
Ministry of Home Affairs,
Government of India,
North Block, New Delhi.
3. The Secretary to Government,
Ministry of Health and Family Welfare,
Government of India,
Cabinet Secretariat,
Raisina Hill, New Delhi.
4. The Secretary to Government,
Ministry of Finance,
Government of India,
North Block, Cabinet Secretariat,
Raisiana Hill, New Delhi.
5. The Central Provident Fund Commissioner/CEO,
Employees' Provident Fund Organisation, India,
Bhavishya Nidhi Bhawan,
14-Bhikaji Cama Place,
New Delhi - 110 066.
6. The Home Secretary to Government,
Department of Home, Prohibition and Excise,
Secretariat, Fort St. George,
Chennai - 600 009.

7. The Secretary to Government,
Finance Department,
Secretariat, Fort St. George,
Chennai - 600 009.

8. The Principal Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 16.4.2021 to constitute High Level Committee to sanction Economic Stimulus package for the Employees of Private Sector, Unorganized Section, Private Industrial Establishments, Private Educational Institutions Teachers and Staff to ensure that the Economical Loss of pay will not happen to these employees/citizens of India due to the Covid-19 partial or complete lockdown as their right to work is guaranteed under the Constitution of India.

For Petitioner : Mr.R.Amardeep

For Respondents : Mr.S.Diwahar
CGSPC
for respondent Nos.1 to 4

: Mr.V.Jayaprakash Narayanan
State Government Pleader
for respondent Nos.6 to 8

ORDER

(Order of the Court was made by Senthilkumar Ramamoorthy, J.)

The writ petitioner seeks the constitution of a High Level Committee to sanction an economic stimulus package for the employees of the private sector, unorganised sector, private industrial establishments and the like in the wake of the lockdown occasioned by the Covid-19 pandemic. The writ petitioner asserts that daily wage labourers, monthly salaried private sector employees and private school teachers, who are the backbone of the economy of the country, were not paid full salary by their employers during the lockdown imposed by the Government of India and the Government of Tamil Nadu in the year 2020. It is further stated that the official respondents have not taken adequate steps to provide an economic package unlike

countries such as the United States of America. The petitioner also states that a representation was submitted to all the eight respondents, in this connection, but that no economic package has been sanctioned.

2. The decision as to whether and, if so, what form of economic assistance should be provided to those impacted by the Covid-19 pandemic is a matter that falls squarely within the domain of the executive. Multiple considerations have to be taken into account and it would involve a calibrated balancing of competing interests. Consequently, a mandamus of the kind requested by the writ petitioner cannot be issued.

3. Nonetheless, in view of the fact that the petitioner has already submitted a representation in this regard to the respondents herein, without examining the merits of such representation, respondents 4 and 7, i.e. the respective Finance Secretaries of the Central and the State Governments, are directed to consider such representation and provide a written response thereto to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

4. W.P.No.10488 of 2021 is disposed of on the above terms. There will be no order as to costs. Consequently, W.M.P.No.11088 of 2021 is closed.

s/d-

Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To:

1. The Chairperson,
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Secretariat, Fort St. George,
Chennai - 600 009.
- +1 CC to Mr.R. Amardeep, Advocate sr 26035
+1 CC to The Government Pleader sr 25708.

W.P.No.10488 of 2021

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SP(19/05/2021)