



ORDER DATED 24/03/2025

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 2195 OF 2024

(Ameya Hansraj Bhaisare vs. State of Maharashtra and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders of the directions
and Registrar's orders.*

Court's or Judge's order

Ms. Surabhi Godbole, Advocate h/f Mr.Prakash Naidu, Advocate
for petitioner.

Mr. S.M.Ukey, Additional Government Pleader for respondent
Nos.1 to 3.

Mr. S.V.Sohoni, Advocate for respondent No.5.

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, J.

DATE : MARCH 24, 2025

1) The petitioner claims compensation in terms of the G.R. dated 29/05/2020 (page 40) on account of the mother of the petitioner Smt. Surekha Kashinath Indurkar, nee Surekha Hansraj Bhaisare having expired on 21/09/2020 on account of COVID-19, considering the fact that she was on COVID duty on 11/09/2020.

2) Mr.Ukey, learned Additional Government Pleader, as well as Mr.Sohoni, learned counsel for respondent Nos.4, 5 and 6 do not dispute that on 11/09/2020, the deceased Surekha was on COVID duty. It is also not disputed that she expired on 21/09/2020 on account of COVID-19. The only defence which is being raised is that in terms of clause 3(B)(a) of the G.R. dated 29/05/2020 (page 40) the deceased ought to have been on COVID duty continuously for 14 days prior to her demise and the certification in this regard to be done by the District Magistrate or any other designated Head of Departments.

3) Insofar as the plea that the deceased has to be on continuous duty for a period of of 14 days prior to the demise, we find that this is not so indicated from the language of clause 3(B)(a) of the G.R. dated 29/05/2020 which is reproduced as udder:-

“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.”

4) The aforesaid language would indicate that the deceased employee should have been on duty within the 14 day period preceding her death. Since it is not disputed that the deceased employee Surekha was on COVID duty from April 2020

to 11/09/2020 and so also her demise on 21/09/2020, on account of COVID 19 is also not disputed, in view of the report at page 46 dated 22/09/2020 in respect of the sample of the deceased employee taken on 21/09/2020 the requirement, insofar as the first part of clause 3(B)(a) of the G.R. dated 29/05/2020 stands satisfied.

5) The only further requirement to be satisfied by the petitioner, who is the daughter of the deceased employee is for the verification/certification regarding her demise by the District Magistrate or any other designated Head of Departments. The petitioner in this regard has submitted a certificate which is certified by the Medical Officer Primary Health Center, Khadsangi dated 28/09/2020 (page 36), which would not meet the requirement of the G.R. 29/05/2020 regarding certification of the demise of the employee by the District Magistrate or other designated Head of Department. In case that is done, the same would also stand satisfied. We therefore dispose off the petition by directing the petitioner to satisfy the requirement of certification in terms of clause 3(B)(a) of the G.R. dated 29/05/2020 and in case the department is so satisfied, it shall process the claim of the petitioner for COVID compensation in accordance with the aforesaid G.R., after being satisfied regarding the relationship of the petitioner with the deceased employee. No costs.

(ABHAY J. MANTRI, J.)**(AVINASH G. GHAROTE, J.)**