

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1063 OF 2026

Smt. Sanika Santosh Shinde and Others. ...Petitioners.

Versus

The State of Maharashtra and Others. ...Respondents.

Mr. Tejpal Ingale i/b Ms. Vrunali Vilankar for the Petitioners.
Ms. T. J. Kapre, AGP for the Respondent-State.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : March 17, 2026.

Oral Judgment [Per Madhav J. Jamdar, J.]:

1. At the outset, Mr. Ingale, learned Counsel appearing for the Petitioner seeks leave to amend the petition to add prayer clause. Leave as sought for is granted. Amendment be carried out forthwith. Re-verification is dispensed with.
2. Heard Mr. Ingale, learned Counsel appearing for the Petitioner and Ms. Kapre, learned AGP for the Respondent-State.
3. Petitioners, who are the legal heirs and representatives of one Santosh Vishnu Shinde, have filed the present petition *inter alia* for the following reliefs :

"b) On perusal of the same, this Hon'ble Court by an appropriate Writ, Order and or Direction be pleased to direct the Respondent No. 1 to 3 to grant the benefit of Ex-gratia / Insurance Cover cum Compensation under Government Resolution dated 29.05.2020 passed by the Respondent No.2 and the Government

*[This is the **corrected judgment** as per speaking to the minutes order dated 30th March 2026]*

Resolution dated 25.04.2022 giving benefit of Insurance Cover/ Ex-gratia. benefit of Rs.50,00,000/- to the Petitioners herein the Legal Representatives of deceased Santosh Vishnu Shinde who died on 03.07.2021 having contracted Covid -19 while discharging official duties.

bb) By issuing Appropriate Writ, Order or Direction in the nature of Article 226 of the Constitution of India, the impugned Order/Communication dated 26.10.2023 passed by Respondent No.3 Executive Officer, Law and Justice Department, Government of Maharashtra, Mumbai be quashed and set aside and the Representation/Application dated 08.04.2022 by Petitioners be kindly granted."

4. It is the submission of Mr. Ingale, learned Counsel appearing for the Petitioners that the Petitioners are entitled for the benefit as provided by Government Resolution dated 29th May 2020 and as continued by Government Resolution dated 14th October 2020 and 25th April 2022. He submits that deceased Santosh Vishnu Shinde was working as a junior clerk in the Court of Civil Judge, Chiplun, District Ratnagiri. He submits that deceased Santosh was on duty till 31st May 2021 and thereafter from 1st June 2021 to 6th June 2021 deceased Santosh was on summer vacation as granted by the competent authority of Civil Court, Chipulun and during this period, Santosh fell ill. Initially he underwent treatment of Dr. V. V. Joglekar, the local doctor at Chiplun and thereafter on 14th June 2021, Santosh was shifted to B.K. Walavalkar Rural Medical College, Kasarwadi at Post Savarde Taluka Chiplun District Ratnagiri where he was detected as covid positive and therefore on 15th June 2021, Santosh was admitted to Noble Hospitals, Hadpasar, Pune for further treatment and he succumbed to covid-19

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infection on 3rd July 2021. He submits that the Petitioners, who are the legal heirs and representatives of deceased Santosh Vishnu Shinde are entitled for the benefit of above Government Resolutions. To support the case of the Petitioners, learned Counsel appearing for the Petitioner relies upon the decision of this Court in ***Vijaya Yashwant Jadhav v. Block Development Officer***¹. Learned counsel therefore submits that reliefs sought in the petition be granted.

5. On the other hand, learned AGP submitted that as Santosh expired on 3rd July 2021 and the Government Resolution dated 25th April 2022 provides that benefit of insurance cover is to be given to the government employees whose death took place on or before 30th June 2021, therefore, the said benefit is not available to the Petitioners.

6. Before considering the rival submissions, it is necessary to set out certain factual aspects :

(i) Deceased Santosh Shinde, the husband of Petitioner No.1, father of Petitioner Nos.2 and 3 and the son of Petitioner Nos. 4 and 5, was appointed as Junior Clerk on 19th May 2011 in the Metropolitan Magistrate Court, Mazgaon, Mumbai and in the year 2015 he was transferred to the Civil Court, Chiplun, District Ratnagiri where he was working till his death, i.e., upto 3rd July 2021.

(ii) Deceased Santosh Shinde was on duty during the period 24th May

1 WP No. 17617 of 2024 (Kolhapur Circuit Bench) decided on 10th December 2025.

2021 to 31st May 2021 and thereafter he was having summer vacation from 1st June 2021 to 6th June 2021. On 7th June 2021, Santosh was not feeling well and therefore started taking treatment of Dr. V. V. Joglekar, the local doctor at Chipulun, district Ratnagiri. Medical investigation of Santosh was carried out during the said period. The radiology report dated 10th June 2021 records as under :

"CT THORAX (PLAIN STUDY)

FINDINGS:

Ground glass opacities in both lungs with septal thickening.

No e/o honeycombing in bilateral lung fields.

No evidence of pleural collection/thickening bilaterally.

Visualised bones appear normal.

IMPRESSION

**F/S/O CHANGES OF ATYPICAL PNEUMONIA, POSSIBLY SARS
COV 2 ETIOLOGY.**

CT SCORE 11/25

CORADS 5

RT PCR CORRELATION IS ADVISED."

(iii) Santosh's SARS CoV2 RNA PCR test was performed on 14th June 2021 at B. K. L. Walawalkar Rural Medical College Laboratory. In the report of said test, it was indicated that he was covid-19 positive. Thereafter he was shifted to Noble Hospitals, Hadapsar, Pune for further treatment and he was admitted in the said hospital till 3rd July 2021 when he succumbed to covid-19.

(iv) The provisional diagnosis as well as final diagnosis indicate that Santosh was infected with covid-19 pneumonia. At the time of admission, i.e., on 14th June 2021, the SPO2 level of Santosh was 70%.

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(v) Santosh passed away on 3rd July 2021.

7. The above factual position shows that deceased Santosh has worked in the Civil Court at Chiplun till 31st May 2021 and he fell ill on 7th June 2021 and detected to be covid-19 positive on 14th June 2021 and ultimately passed away on 3rd July 2021 due to covid-19 pneumonia

8. In view of the above, it is necessary to set out the relevant Government Resolutions. Relevant portion of Government Resolution dated 29th May 2020 reads thus :

"संदर्भ : केंद्र शासनाच्या आरोग्य व कुटुंब कल्याण मंत्रालयाचे आदेश दि. २८.०३.२०२०.

शासन निर्णय-

कोरोनाच्या सार्वत्रिक साथीमध्ये सर्वेक्षण, शोध, माग काढणे, प्रतिबंध, चाचणी, उपचार व मदत कार्य यांचेशी संबंधित कर्तव्य बजावित असताना शासनाच्या विविध विभागातील विविध प्रवर्गातील कर्मचारी यांचा कोरोना विषाणूशी जवळून संबंध येत आहे. अशा कर्मचा-यांची काळजी घेण्यासाठी शासन कटिबद्ध असून या असुरक्षित परिस्थितीत त्यांच्या मागे ठामपणे उभे राहण्याचा शासनाचा निर्धार आहे.

२. केंद्र शासनाच्या आरोग्य व कुटुंब कल्याण मंत्रालयाने त्यांच्या दि. २८.३.२०२० च्या आदेशानुसार यासंबंधी आरोग्य कर्मचारी यांचेसाठी विमा कवच योजना लागू केली आहे.

३. तथापि, आरोग्य सेवा संबंधित कर्मचा-यांव्यतिरिक्त अन्य कर्मचारी (जिल्हा प्रशासन, पोलीस, होमगार्ड, आगणवाडी कर्मचारी, लेखा व कोषागारे, अन्न व नागरी पुरवठा, पाणी पुरवठा व स्वच्छता, घरोघरी सर्वेक्षणासाठी नेमलेले अन्य विभागाचे कर्मचारी इत्यादी) मोठ्या प्रमाणात कोव्हिड संबंधित कर्तव्ये पार पाडीत आहेत. कोव्हिड-१९ च्या सार्वत्रिक साथीशी लढा देणाऱ्या सक्तीय राहून कर्तव्य बजावणा-या अशा कर्मचा-यांना पाठबळ देण्याच्या दृष्टीकोनातून व अशा कर्मचा-यांचा दुर्दैवाने मृत्यू झाल्यास त्यांचे कुटुंबियांच्या पाठीशी उभे राहण्यासाठी शासनाने खालील प्रमाणे निर्णय घेतले आहेत.

अ) कोव्हिड विषाणूच्या सार्वत्रिक साथीच्या अनुषंगाने सर्वेक्षण, शोध, माग काढणे, प्रतिबंध, चाचणी, उपचार व मदत कार्य या कार्यवाहीशी संबंधित कर्तव्यावर कार्यरत सर्व कर्मचा-यांना रु. ५० लक्ष रकमेचे सर्वेकष वैयक्तिक अपघात विमा कवच पुरविण्यात येईल. या बाबतची कार्यपद्धती विमा कंपन्यांशी विचार विनिमय करून अंतिम करण्यात येत आहे.

ब) सदर विमा पॅकेज अंतिम होऊन कार्यान्वित होईपर्यंत अंतरिम उपाययोजना म्हणून कोव्हिड विषयक कर्तव्यावरील (सर्वेक्षण, शोध, माग काढणे, प्रतिबंध, चाचणी, उपचार, मदत कार्य इत्यादी) कर्मचा-यांच्या मृत्यूच्या सर्व प्रकरणी रु. ५० लक्ष रकमेचे सानुग्रह सहाय्य खालील अटीच्या अधीन प्रदान करण्यात येईल.

- (१) सदर कर्मचारी त्याच्या इस्पितळात दाखल होण्याच्या अथवा मृत्यूच्या दिनांकापूर्वी १४ दिवसांच्या काळात कर्तव्यावर हजर असला पाहिजे. ही बाब जिल्हाधिकारी अथवा अन्य कोणताही पदनिर्देशित विभाग प्रमुख इत्यादी यांचेकडून सत्यापित प्रमाणित करण्यात येईल.
- (२) सदर मृत्यू कोव्हिड-१९ शी संबंधित असल्याबाबतचे वैद्यकीय प्रमाणन, शासकीय/पालिका/महानगरपालिका, आय. सी.एम.आर नोंदणीकृत खाजगी इस्पितळ/प्रयोगशाळा यांचेकडून प्राप्त अहवालाच्या आधारे करण्यात येईल.
- (३) कर्मचारी" यांमध्ये सर्व कंत्राटी/ बाह्यस्रोतांद्वारे घेतलेले / रोजंदारी/ तदर्थ/मानसेवी कर्मचा-यांचा समावेश असेल.
- (४) प्रस्तुत खर्चासाठी अर्थसंकल्पीय लेखाशीर्ष संबंधित मंत्रालयीन विभागांकडून सुचित करण्यात येईल
- (५) या योजनेसारखीच सानुग्रह सहाय्याची योजना सर्व स्थानिक स्वराज्य संस्था व राज्य शासकीय सार्वजनिक उपक्रम यांचेकडून राबविण्यात येईल.

क) वरील "अ" व "ब" येथील तरतुदी, केंद्र शासनाच्या संदर्भाधीन २८.३.२०२० च्या आदेशातील योजना लागू असणा-या कर्मचा-यांना व शासनाच्या योजनेत सुधारणा होऊन ज्या प्रकारच्या कोणत्याही कर्मचा-यांच्या समावेश होईल, अशा कर्मचा-यांना लागू होणार नाहीत.

४. सदर आदेश दि. ३०, सप्टेंबर, २०२० पर्यंत लागू राहतील."

9. The benefits under the said Government Resolution dated 29th May 2020 were firstly extended till 31st December 2020 by Government Resolution dated 14th October 2020 and thereafter upto 30th June 2021 by Government Resolution dated 25th April 2022. Clause (5) of Government Resolution dated 25th April 2022 is relevant for our purpose, which reads thus :

"5. कोरोना विषयक कामकाजाच्या कर्तव्यावर असताना कोरोना या संसर्गजन्य आजारामुळे दिनांक 30 जून 2021 पर्यंत निधन झालेल्या अधिकारी / कर्मचारी यांचे प्रस्ताव ग्रामविकास विभागाकडे पाठविण्यात यावे."

10. Thus, it is clear that what the policy of State Government requires is that benefit is to be given to the government employees and the

employees covered by said Government Resolutions who have passed away due to covid-19 on or before 30th June 2021. In this context, it is required to be noted that the purpose for which this policy was brought into force, which can be discerned from Clause (3) of Government Resolution dated 29th May 2020. It is recorded that in spite of outbreak of covid-19 pandemic, various government employees including the District Administration, Police, Homeguard, Anganwadi Karmachari, etc., were performing their duties carrying risk to their lives. The said policy further records that Government has decided to support the families of government employees who lost their lives during the covid-19 pandemic.

11. The criterion adopted for giving benefit is that such employee should be admitted in the hospital within 14 days of doing his duty or his death should have taken place within 14 days on his being on duty, Thus, the criterion adopted is that such employee has passed away due to covid-19 pandemic and he was doing his duty 14 days before his hospitalisation or death. Thus, the cut-off date of 30th June 2021 which provides that benefit is to be given to the family of employee who has passed away before that date is clearly contrary to Clause (3)(b)(1) of Government Resolution dated 29th May 2020 which provides that such employee should have been on duty within the 14 days period preceding his / her hospitalisation or death. It is very relevant to note

*[This is the **corrected judgment** as per speaking to the minutes order dated 30th March 2026]*

that the criteria which is set out in Government Resolution dated 29th May 2020 is totally different than the the criteria which is set out in Government Resolution dated 25th April 2022. It is very clear that the Government Resolution dated 29th May 2020 sets out the criteria and subsequent Government Resolutions extend the period of the same.

12. In this particular case, admittedly, deceased Santosh was performing his duty till 31st May 2021. He was admitted in the hospital on 14th June 2021 and detected with covid-19 positive. Thus, his case is squarely covered by Government Resolution dated 29th May 2020 read with Government Resolutions dated 14th October 2020 and 25th April 2022.

13. Apart from this aspect, it is relevant to note that even Government Resolution dated 25th April 2022 provides that benefit should be given to the government employees and other persons as set out in such GR whose death took place on or before 30th June 2021. Deceased Santosh has admittedly passed away on 3rd July 2021. In view of this, it is relevant to note the observations of the Division Bench of this Court in **Vijaya Yashwant Jadhav** (supra) wherein in paragraph 14 and 18 this Court has observed thus :

“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

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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.

18. No doubt, GR dated 25th April 2022, if read literally, applies to those employees who died on or before 30th June 2021. However, in the present case, even before 30th June 2021, Yashwant was admitted in hospital having contracted COVID-19. The hospitalisation of Yashwant continued and in fact his health condition deteriorated since 28th June 2021 and unfortunately he passed away on 11th July 2021. In such circumstances the cut-off date i.e. 30th June 2021, as set out in the GR dated 25th April 2022 cannot be regarded as sacrosanct. This is a fit case where the benefit of GR dated 25th April 2022 ought to have been extended to the Petitioners."

The above observations are squarely applicable to the present case.

14. Accordingly, writ petition is allowed by passing following order :

- O R D E R -

(a) Impugned communication dated 26th October 2023 issued by the Respondent No.3 is hereby quashed and set aside.

(b) Respondent Nos.1 to 3 are directed to extend to the Petitioners the benefit of Government Resolution dated 29th May 2020 read with Government Resolutions dated 14th October 2020 and 25th April 2022.

(c) The amount of *ex gratia* insurance cover, ie., Rs.50 lakh along with interest @ 6% p.a. with effect from 3rd July 2021 be paid to the Petitioners within a period of six weeks from today.

15. Writ petition stands disposed of in above terms with no order as to costs.

*[This is the **corrected judgment** as per speaking to the minutes order dated 30th March 2026]*

16. List the petition on 4th May 2026 at 2.30 p.m for reporting compliance.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]