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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4072 OF 2024

Sudhakar Somsing Pawar ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. Raut Ashok Dinkar for the Petitioner.
Dr. Milind Sathe, Advocate General with Smt. S. D. Vyas, Addl.G.P with
Smt. D. S. Deshmukh, AGP for the Respondent-State.
Mr. D. P. Singh for Respondent No.4.

**CORAM : SUMAN SHYAM &
SHYAM C. CHANDAK, JJ.**

DATED : 17th MARCH, 2026

P.C. :-

1) The wife of the Petitioner was serving in a hospital, as Assistant Nurse, during Covid-19 pandemic period. She died in harness while discharging duties as aforesaid. As per the G.R. of the Government of Maharashtra dated 29th May, 2020 as well as under the scheme viz. “Pradhan Mantri Garib Kalyan Package” provisions for certain benefits including insurance cover of Rs.50,00,000/- has been made for the health workers fighting Covid-19. The Petitioner claims that his deceased wife is covered by insurance scheme. He, therefore, prays for directing the

authorities to pay the amount, payable on account of the death of his wife while discharging duty in the Covid ward.

2) The claim of the Petitioner was initially turned down by the authorities, on the ground that the deceased-wife of the Petitioner did not die by contracting Covid. However, in the wake of the Order dated 17th April, 2021 passed by this Court, the matter was reviewed. Thereafter, the State Government has filed a reply. In this reply the stand is that, the claim of the Petitioner will be covered under the Central Government scheme viz. “Pradhan Mantri Garib Kalyan Package” and, therefore, the liability for payment of compensation will be on the Central Government and not on the State Government of Maharashtra.

3) Since, it is not in dispute that the wife of the Petitioner had died in harness while discharging duty in the Covid ward and having regard to the fact that there is no controversy above the fact that the deceased-wife of the Petitioner was covered under the G.R. dated 29th May, 2020 as well as the Central Government scheme viz. “Pradhan Mantri Garib Kalyan Package”, the Petitioner cannot be denied of the amount of compensation. Whether it is the Central Government or State Government, which should bear the expenditure is the matter which cannot come in the way of the Petitioner enjoying the fruits of the scheme which has been consciously floated by the State Government as well as the Central Government, precisely, to address situations of this nature.

4) Be that as it may, at the request of the learned AGP appearing for the State, this matter is directed to be listed again on 26th March, 2026 on the supplementary board for passing appropriate orders.

5) In the light of the observations made above, the learned Counsel for the Respondents to come prepared with instructions facilitating the disposal of the Writ Petition on the next date.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)