

PH. Jayani

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 4072 OF 2024

Sudhakar s/o. Somsing @ Soma Pawar Petitioner
V/s.
The State of Maharashtra and Ors. Respondents

Mr. Ashok D. Raut for the Petitioner.

Dr. Milind Sathe, Advocate General a/w. Smt. S.D. Vyas, Addl.G.P and Smt. D.S. Deshmukh, AGP for the Respondent Nos.1 to 3 – State.

Mr. Anil C. Singh, Additional Solicitor General of India a/w. Mr. Aditya Thakkar, Mr. D.P. Singh, Mr. Adarsh Vyas and Ms. Rama Gupta for Respondent No.4 – Union of India.

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

DATED: 26th MARCH, 2026

PC:-

1. On 17th March, 2026 this Court after taking note of the peculiar facts and circumstances of the case, has passed the following Order :-

“ 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.”*

2. In response to the Order dated 17th March, 2026 passed by this Court, Smt. Vyas, the learned AGP has tendered affidavit-in-reply on behalf of Respondent Nos.1 to 3 which is taken on record.

3. As has been noted hereinabove, there is no controversy about the death of the Petitioner's wife while discharging duty in the Covid ward during the relevant period. It is also not in dispute that the case of those Government employees who have suffered death while discharging duties in the Covid ward, would be covered under the schemes floated both by the State Government of Maharashtra as well as the Central Government which were in force during the relevant period. The only controversy that arises in this case is as to whether, it would be the Central Government or the State Government of Maharashtra which should be fastened with the liability to pay the compensation of Rs.50,00,000/- to the Petitioner.

4. Mr. Singh, learned Additional Solicitor General of India appearing for the Respondent No.4-Union of India has submitted that the Scheme of the Central Government was in force till 15th October, 2022 which was later on extended until 31st July, 2023. However, no recommendation from the State Government of Maharashtra for payment of compensation to the Petitioner on account of death of his wife while discharging duty in the Covid ward, was received within the said period, as a result of which, the Central Government did not have any liability to make the payment.

5. Controverting the above stand of the Central Government, Ms. Vyas, learned AGP for Respondent Nos.1 to 3 has submitted that although there were some initial delay on the part of the Petitioner in submitting his Representation seeking the benefit under the scheme, yet, immediately on receipt of the same, the Application was forwarded to the Collector of Pune who in turn had forwarded the same to the Central Government within the validity period of the scheme. Therefore, the assertion of the Central Government is disputed by the State Government of Maharashtra.

6. The controversy on the above count can be resolved at a later date. However, the mere question as to whether the Central Government or the State Government of Maharashtra should be made responsible to pay the amount, cannot detain the cause of the Petitioner to receive the compensation if entitled under the law. Having regard to the facts and circumstances of the case, we are of the opinion that the Petitioner would be entitled to receive

the compensation of Rs.50,00,000/- for the untimely death of his wife in the circumstances narrated above. Therefore, the Respondent Nos.1 to 3 are directed to take immediate steps to release the amount of Rs.50,00,000/- (Rupees Fifty Lakhs) as compensation in favour of the Petitioner so as to ensure that the amount reaches the bank account of the Petitioner within a period of 60 (sixty) days from the date of the receipt of a copy of this Order.

7. This Writ Petition is kept pending and the issue alive only for the limited purpose of determining as to which of the two Authorities viz. The Central Government or The State Government of Maharashtra should be held responsible for making payment of the amount. In the event, the State Government of Maharashtra succeeds in the matter, the Central Government will be liable to reimburse the amount to the State Government of Maharashtra.

8. Let this case be listed again after 60 days.

(SHYAM C. CHANDAK, J.)

(SUMAN SHYAM, J.)

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