IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13984 OF 2024

Sushma Jagannath Shinde
Age-45 years,
R/o Suryoday CHS, C-3, B-1/4, Sec-08,
Khanda Colony, Panvel, Raigad,
Maharashtra, Pincode-410206. … Petitioner

Versus

1. The State of Maharashtra
Through the Secretary
Revenue and Forest Department,
Government of Maharashtra,
Mantralaya, Mumbai-400 032.

2. The Commissioner of Sales Tax
Head Office, Vikrikar Bhavan,
New Building, Mazgon,
Mumbai-400 010. ... Respondents

Mr. Ramesh Ramamurthy a/w. Mr. Saikumar Ramamurthy and Mr. Aalim N. Pinjari for the Petitioner.
Mr. B. V. Samant, Addl GP a/w. Smt. G. R. Raghuwanshi, AGP for the Respondents-State.

CORAM : M. S. KARNIK AND S. M. MODAK, JJ.
DATED : 23rd FEBRUARY, 2026.

ORAL JUDGMENT (PER M. S. KARNIK, J.)

1. By this Petition under Article 226 of the Constitution of India, the petitioner challenges the Order dated 7th May, 2024 passed by respondent No.2-Commissioner of Sales Tax, Mumbai thereby rejecting the claim of the

petitioner for Covid death compensation. The petitioner further prays for directions to the respondents to pay Covid death compensation of Rs.50 Lakhs under the circular dated 29th May, 2020 on account of death of the petitioner's husband while working with respondent No.2.

2. The facts of the case in brief are that, Shri Jagannath Gopalrao Shinde, late husband of the petitioner was appointed as Sepoy/Peon with respondent No.2 i.e. Department of Goods and Services Tax, Vikrikar Bhavan, New Building, Mazgaon, Mumbai on 1st October, 1996. The petitioner's husband was working as a Class-4 employee. The Government of Maharashtra issued various Government Resolutions from time to time providing for restricted attendance of Government officers and staff for preventing spread of Covid. These GRs were issued on 14th March, 2020, 18th March, 2020, 20th March, 2020 and 23rd March, 2020. The nationwide lockdown was declared due to Covid-19 on 24th March, 2020. The Ministry of Health and Family Welfare, Government of India, issued an Order dated 28th March, 2020 providing for insurance scheme for Health Workers and Healthcare related staff of Central Government as well as State Government.

3. By a Government Resolution dated 18th April, 2020, the Government staff were called to perform the daily official duties. As such, the late husband of the petitioner was required to attend the office.

4. By the Scheme dated 29th May, 2020, the State Government through Finance Department provided for an insurance cover/ex-gratia assistance to the employees in case of death on account of Covid during the course of Covid related duties. The scheme specifically provided for an ex-gratia assistance of Rs.50,00,000/- to all cases of deaths of the employees on following duties on account of Covid :-

i) Survey

ii) Tracing

iii) Tracking

iv) Prevention

v) Testing

vi) Treatment

vii) Relief Activities, etc.

The said assistance was subject to fulfillment of certain conditions as provided. Initially, the scheme was made applicable till 30th September, 2020.

5. Respondent No.2-Department, by an Office Order dated 19th April, 2020, provided that 15% of the employees were required to attend office for performing the daily official duties. As such, the deceased husband of the petitioner was required to attend the office once in a week, after 20th April, 2020. The late husband of the petitioner was present in the office of

respondent No.2 for his usual official duties on 5th June, 2020 and 12th June, 2020. As per the medical documents relied upon by the petitioner, the late husband of the petitioner was admitted to hospital on account of Covid on 26th June, 2020. The husband of the petitioner unfortunately passed away on 3rd July, 2020 due to Covid as per medical record provided by the petitioner.

6. It is the stand of the learned AGP while opposing the petition that the daughter of the petitioner i.e. Ms. Shreesha Jagannath Shinde was appointed in the place of the deceased husband of the petitioner by an Order dated 8th September, 2021. Apart from monetary benefits, the following service benefits were given to the petitioner and legal heirs of the deceased employee by the respondents viz. Death-cum-Retirement Gratuity-Rs.7,59,800/-, Group Insurance Scheme-Rs.27,353/-, Group Insurance Scheme (Death during the course of employment)-Rs.2,40,000/-, Final GPF-10,21,748/-, Deposit linked Insurance Scheme GPF-Rs.60,000/- and Leave encashment-Rs.2,38,606/-; Totalling Rs.23,47,507/-. The other terminal benefits were given to the petitioner and legal heirs of the deceased employee. Regular Family Pension was given to the petitioner amounting to Rs.31,700/- p.m. vide Order dated 4th July, 2020. Learned AGP submitted that the scheme of ex-gratia payment was extended upto 30th September, 2020 by issuing the GR dated 29th May,

2020. An application was made by the petitioner for claiming ex-gratia assistance of Rs.50,00,000/- as per the aforesaid scheme on 24th July, 2023. The said application was rejected by respondent No.2 on 7th May, 2024 (impugned Order) citing that the case of the deceased husband was not covered by the scheme under GR dated 29th May, 2020.

7. Learned AGP was at pains to submit that the petitioner was not eligible to claim the ex-gratia assistance for the following specific reasons:-

a) The late husband of the petitioner was not engaged in the Covid related duties of survey, tracing, tracking, prevention, testing, treatment and relief activities, during his employment during the Covid period.

b) The late husband of the petitioner was discharging his usual official duties as Peon at the Mazgaon Office of respondent No.2.

c) Even though the late husband of the petitioner expired due to Covid, that was not a sufficient ground for claiming ex-gratia assistance under the GR dated 29th May, 2020.

d) The main eligibility for application of GR dated 29th May, 2020 was actual participation in Covid related specific duties of survey, tracing, tracking, prevention, testing, treatment and relief activities, etc.

8. Further reason because of which the respondents rejected the claim

is that the ex-gratia assistance was limited to those Government employees who were discharging specific types of Covid related duties. According to learned AGP, the payment under the said scheme to an ineligible person would result in expanding the scope of the scheme. The said scheme involves specific financial obligation on the State and is required to be strictly interpreted. It is urged by learned AGP that if any ineligible person is granted benefit, the State Government will be burdened with unintended financial obligations which will ultimately affect the public revenue. This will also affect the general public interest as compared to the individual interest of the petitioner, which is not covered under the said scheme. It is the submission of the learned AGP that the GR dated 29th May, 2020 is not department centric but it is duty centric. Learned AGP further submitted that the petition has been filed by the petitioner under the mistaken belief regarding the scope of GR dated 29th May, 2020. The petitioner and other legal heirs of the deceased employee have already been given all service benefits pursuant to the death of the concerned employee as the deceased employee did not fulfill the eligibility criteria of GR dated 29th May, 2020 and therefore the application of the petitioner was rightly rejected by the respondents.

9. We have heard learned counsel for the parties.

10. At the outset, it is required to be noticed in all fairness to the learned

AGP and in the light of the stand taken by the respondents in the Affidavit-in-Reply dated 3rd February, 2026 that the fact that the deceased employee succumbed to Covid is not disputed. It is further not in dispute that the deceased employee was present in the office of respondent No.2 for his usual office duties on 5th June, 2020 and 12th June, 2020 pursuant to Office Order issued on 19th April, 2020 providing that 15% of the employees were required to attend office for discharging the daily official duties. It is pursuant to such Office Order that the deceased employee was required to attend the office once in a week after 20th April, 2020. It is, thus, seen that the deceased employee was admitted to the hospital on account of Covid on 26th June, 2020 after attending the office on 5th June, 2020 and 12th June, 2020. Ultimately, he passed away on 3rd July, 2020 as per the medical records. It is further not in dispute that the petitioner would otherwise be covered by the GR dated 29th May, 2020 but for the fact that the GR is duty centric and the deceased husband of the petitioner was not involved in duties related to survey, tracing, tracking, prevention, testing, treatment and relief activities for Corona pandemic. It is, thus, the stand of the State Government that unless the husband of the petitioner was a frontline worker, actively involved in the performance of the duties mentioned in the GR, only then will he be entitled to the insurance cover.

11. To appreciate the controversy involved as to whether the deceased

husband of the petitioner, the employee of respondent No.2, having contracted Covid while discharging his official duties upon presenting himself at the office premises pursuant to Office Order issued would also be covered by the GR dated 29th May, 2020, it would be pertinent to appreciate the scope and purport of the GR dated 29th May, 2020 regarding insurance covers/ex-gratia assistance to the employees during the course of Covid duties. It is the submission of learned AGP that the death of the petitioner's husband on account of Covid cannot be termed to have occurred in the course of the discharging related duties. The GR dated 29th May, 2020 needs to be reproduced, which reads thus: -

> *"1) Ministry of Health and Family Welfare Order dated 28.03.2020.*
> ***Government Resolution**:*
> *Different categories of Government employees in various departments are getting exposed to the Coronavirus in performance of their duties relating to survey, tracing, tracking, prevention, testing, treatment and relief activities for Corona pandemic. State Government is committed to the welfare of such personnel and intends to standby them in such vulnerable situations.*
> *2. In this regard Ministry of Health and Family Welfare, Government of India vide order dated 28.3.2020 has provided an insurance scheme for health workers and healthcare related staff.*
> *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.

b. The medical certification that death is related to Covid-19, would be done on the basis of report of Government/Municipal/ICMR notified Private Hospital/Laboratory.

c. Employees would include all contractual/ outsourced/daily wages/ad-hoc/honorarium-based staff also.

d. The budget heads in this regard would be notified by the concerned departments

e. Similar ex-gratia assistance scheme will also be *implemented by all Local Bodies and State Govt. Public Undertakings.*

C. Provisions of A) and B) will not be applicable to the employees who have been covered under GOI scheme dated 28.3.2020 (Ref. 1) or any other category of employees included by amending that scheme.

4. These orders will be applicable till 30" September 2020.

5. This Government resolution of Maharashtra Government is available at the website www.maharashtra.gov.in. Reference no. for this is 202005291511413805. This order has been sign active ed digitally.

By order and in the name of the Governor of Maharashtra."

12. Thus, we find that the GR provides insurance cover/ex-gratia assistance to the employees in case of death on account of Covid during the course of Covid related duties. If we understand the GR correctly, the department was conscious of the fact that different categories of the Government employees engaged in various departments in the course of discharging duties related to survey, tracing, tracking, testing, prevention, treatment and relief activities for Covid pandemic lost their lives to Covid. The State Government being committed to the welfare of such personnel, intended to stand by them during this vulnerable situation. The object of issuing the GR was, therefore, a laudable object to stand by different categories of Government employees in various departments in such vulnerable situations.

13. The Ministry of Health and Family Welfare, Government of India vide order dated 28.3.2020 has provided an insurance scheme for health workers and healthcare related staff. 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 support such personnel in their active line of duty in fighting Covid-19 pandemic and to stand by their families in the event of their demise, the State Government took the decisions which are specified in Classes A and B reproduced above.

14. From a literal reading of the GR, it does appear that the said GR would apply to only those categories of Government employees who are exposed to Corona virus in performance of duties relating to survey, tracing, tracking, prevention, testing, treatment, relief activities etc. to combat the pandemic. However, clause 3 of the GR expanded the scope to the staff within the District Administration, Police, Home guards, Anganwadi workers, Finance and Treasury, Food and Civil supply, Water supply and Sanitation, Employees of various departments etc. who have been involved in Covid related duties. The whole object of the GR was to provide support to such personnel in their active line of duty in fighting

Covid-19 pandemic and that is why the said insurance cover was provided. It is pertinent to mention that Clause 3B provided that till such time that the modalities are worked out by the insurance companies 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, would be covered by means of an ex-gratia assistance of Rs.50 lakhs, subject to the conditions which have been mentioned under Clauses (a) to (e) above.

15. So far as the present petitioner is concerned, it is the stand of the State Government that the husband of the petitioner was not involved in Covid related duties. In our opinion, this would be a very narrow construction of the GR dated 29th May, 2020. The object of the GR was an assurance by the State Government which was committed to the welfare of its employees and to stand by them in such vulnerable situations. No doubt, the GR provides that to receive the benefits, the employee has to be actively involved in Covid related duties. It is significant to note that during the nationwide lockdown, the petitioner was required to attend the office of respondent No.2 for performing the daily official duties. It is not in dispute that the petitioner was attending the office once in a week and came to be hospitalized within a period of 14 days from the date of attending his duties, which in terms of Clause 3B(a) of the GR dated 29th

May, 2020. The petitioner was hospitalized for contracting Covid. It is an admitted position that there was nationwide lockdown but the office of respondent No.2 had to function and therefore 15% of the employees were required by Office Order dated 19th April, 2020 to attend the office for performing the daily official duties. No doubt that if the GR dated 29th May, 2020 is read literally, it would appear that the said GR would be applicable only to those who have been involved actively in discharging Covid related duties. The deceased husband of the petitioner answered the call of duty enlisted therein and upon being asked to discharge his official duties during the Covid lockdown, attended the office of the respondents. The deceased husband of the petitioner had, therefore, exposed himself to the risk of life threatening Covid and ultimately had to be hospitalized on account of Covid. The deceased husband of the petitioner, therefore, in our opinion has to be regarded as an employee who was involved in discharging Covid related duties. The categories enlisted under Clause 3 in the GR dated 29th May, 2020 cannot be regarded as exhaustive. Merely that the deceased husband of the petitioner was not involved actively in discharging Covid related duties as expected by the respondents should not be a ground to deprive the deceased husband of the petitioner the benefits of the insurance cover as otherwise he was attending his duties during the Covid pandemic in the office of respondent No.2.

16. The reason given by the learned AGP that the petitioner and the other legal heir of the deceased employee have been given the terminal benefits and are receiving pension and therefore the petitioner is not entitled to the insurance cover does not commend us. Even otherwise, an employee in such circumstances is entitled to all the terminal benefits as well as the benefit of compassionate appointment in accordance with the Rules. The insurance cover is to stand by such employees who have exposed themselves to grave risk in such a vulnerable situation. Ultimately, the State Government is committed to the welfare of such personnel and therefore to exclude a class of employees from the benefit of the insurance cover only on the ground that they were not actively involved in Covid related duties is unfair. It is not as if the deceased husband of the petitioner was asked to work from home but admittedly the deceased husband of the petitioner was attending his official duties physically in the office of respondent No.2 thereby exposing himself to grave risk of contracting Covid.

17. Learned counsel for the petitioner submitted that the judicial staff has been provided insurance cover. In the Affidavit-in-Reply, at paragraph No.7, the respondents have stated that the insurance cover was made applicable to the families of Court employees, who, during the course of duty, came in direct contact with persons (police, under trial prisoners,

prisoners etc) engaged in Covid related work of survey, tracing, tracking, prevention, testing, relief activities etc. It is, thus, seen that the GR dated 29th May, 2020 cannot be read in a restricted manner but looking at the explanation, the beneficial object of the GR has to be construed liberally so that the said object and the benefits provided thereunder reach the deserving State Government employees, who have worked during the Covid pandemic.

18. A profitable reference needs to be made to the decision of the Hon'ble Supreme Court in **Pradeep Arora & Ors. Vs. Director, Health Department, Govt. of Maharashtra & Ors.**[1]. The following observations are relevant:-

> *"24. Taking into account the live situation that existed as on March 2020, coupled with the invocation of the Epidemic Diseases Act, 1897 and the Regulations 2020 thereunder, there cannot be any doubt about the compelling situation in which the Governments and their instrumentalities requisitioned services of doctors and other health professionals to be on the frontline for containing the fast-spreading infection. It is not difficult to conceive the situation, in which individual letter of appointment or requisitioning would not have been possible and that exactly the reason for invoking the Epidemic Diseases Act, 1897 and the Regulation, 2020 for implementing immediate measures. Further, powers under the Act and Regulation, 2020 were also exercised while issuing the order dated 31.03.2020 issued in the nature of show cause notice to Late Dr. Surgade. In this view of the matter, we have no hesitation in holding that there was a "requisition" of doctors and other medical professionals. We are not inclined to accept the rather simplistic submission that there was no specific requisition and therefore the claim for insurance must fail on this ground alone.*
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> *25. The truth and reality of requisitioning is also evident from the decisions of the government, made almost at the same time. In the same month, i.e., in March 2020, the Finance Ministry issued the*

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press release dated 26.03.2020, and this was followed by the declaration of the PMGKY-Package on 28.03.2020. The FAQs and the clarificatory letter dated 03.04.2020 issued thereafter also prove that large number of doctors and healthcare professionals were requisitioned, and this compelling measure is not confined to Government employees, but also extended to private doctors and hospitals. The insurance cover under PMGKY-Package was extended to all those who were requisitioned by law and the executive actions under the compelling circumstances.

26. In view of the above discussion, we are not inclined to take a narrow view of the intent and application of Regulation 14.03.2020 and the NMMC notice dated 31.03.2020 to conclude, as the High Court did, that there was no requisition.

27. The country has not forgotten the situation that prevailed at the onset of Covid-19, when every citizen contributed in some measure, despite fear of infection or imminent death. That is also a moment of pride and recognition of the strength of character and discipline that our people demonstrated when circumstances demanded it.

28. The courage and sacrifice of by our doctors remain indelible, as five years following the pandemic that spared us, we are now called upon to interpret the laws and regulations enacted for urgent requisition of doctors and health professionals to safeguard public from the seemingly overwhelming onslaught of Covid 2019. We have no hesitation in concluding that invocation of laws and Regulations were intended to leave no stone unturned in requisitioning the doctors and the insurance scheme was equally intended to assure doctors and health professionals in the front line that the country is with them. In this view of the matter, we are not inclined to take the view that there was no requisitioning of the doctors and medical professionals."

19. The decision of the Hon'ble Supreme Court undoubtedly is in a different fact situation, but the principles laid down provides guidance to this Court while construing the GR dated 29th May, 2020.

20. There is adequate literature available in public domain on the impact of Covid-19. The COVID-19 pandemic stands as one of the most catastrophic crises of the 21st Century. The impact of this pandemic was

massive enough to disrupt economies, governance, labour relations and social dynamics across the world, leaving the world unrecognizable. In many countries, strict lockdowns transformed bustling cities into desolate landscapes. In the reign of uncertainty, fear became a formidable companion across continents. Fear of contracting the infection, fear of death, fear of losing livelihoods and fear of isolation intensified psychological distress that led to ordinary social interactions becoming a source of suspicion as anyone could be a carrier of the infection.

21. In India, the pandemic-led terror materialised in additional dimensions. Sudden imposition of pan India lockdown led to disruption in supply chains, stranded migrant labourers and halted economic activity. With each succeeding wave of COVID-19 pandemic, the situation worsened, particularly due to acute shortage of oxygen, hospital beds and life saving drugs. The images of overwhelmed medical facilities, mass burials and exhausted healthcare personnel remain etched in collective memory.

22. In the midst of this fear driven chaos, two categories of workers emerged as pillars of survival, keeping the society from collapsing viz, the frontline workers and those engaged in essential services. Frontline Workers typically refer to those individuals directly involved in combating the pandemic which includes doctors, nurses, paramedics, hospital

sanitation staff, police personnel enforcing the containment measures and municipal workers involved in public health surveillance and disinfection. The nature of their duties brought them into direct and continuous contact with those infected with coronavirus. They were positioned on the front lines of the medical and administrative battle against the virus.

23. Essential service workers include those who discharged duties which were necessary to ensure the functioning of the society, even if they were not directly involved in treating those infected with the virus. This group essentially comprises electricity department employees and other government employees, water supply workers, sanitation staff, postal employees, transport personnel, pharmacists, banking staff, agricultural supply chain workers, food delivery agents, telecom technicians, and many others. Essential workers frequently faced extended working hours due to staff shortages and strict restrictions on the number of staff allowed to work in a certain space as a measure to enforce social distancing and to contain the spread of the deadly virus. Public transport limitations made commuting difficult. During lockdowns, curfew passes and administrative clearances added another layer of bureaucratic stress.

24. It is crucial to recognize that the role played by those engaged in essential services was equally important as that of frontline workers. Public health is not sustained solely by clinical intervention; it is upheld by

infrastructure, distribution networks, and administrative continuity. While the frontline workers battled the virus directly, essential service workers ensured that society did not disintegrate under the pressure of that battle. Their labour prevented secondary crises such as food shortages, infrastructure collapse, communication breakdowns, that could have magnified this humanitarian disaster. In many aspects, their contribution was preventive. By keeping systems operational, they ensured that the health crisis did not evolve into a total societal breakdown. Frontline workers embodied courage in the face of immediate danger. Essential service workers embodied resilience in sustaining daily life amidst fear and uncertainty.

25. In essence, the said Government Resolution introduced a welfare and risk-compensation scheme for frontline COVID duty staff, intending to provide financial protection of Rs.50 lakhs to government employees, including non-health staff, who died due to COVID-19 while performing COVID-related duties. The said scheme aimed to recognize the risks faced by frontline workers, support their families in case of death, and fill gaps not covered under the Ministry of Health and Family Welfare insurance scheme, which restricted the insurance aid only to health workers and healthcare related staff.

26. As such, not extending the same to the petitioner, who answered the

call of duty despite the risk in doing so, by construing the said Government Resolution strictly, would amount to grave injustice to the petitioner. Keeping in mind the objective of the said Government Resolution and considering the fact that the essential considerations enumerated in the said Government Resolution, which are preconditions for the same to be applied, have been met with, there is no reason why the benefit should not be extended to the petitioner, solely on the ground of the nature of the duties discharged by the petitioner not being that of 'covid related duties' as mentioned under the said Government Resolution.

27. In such view of the matter, we feel that in the present case, literal reading of the GR would deprive a genuine class of employees, who have actually put their lives at grave risk during the Covid pandemic. Depriving the petitioner from receiving the benefits of the said GR, would be discriminating, arbitrary and unfair.

28. The impugned order is quashed and set aside. The respondents are directed to pay the petitioner the Covid compensation of Rs.50 lakhs under the circular dated 29th May, 2020, within a period of 16 weeks from the date of communication of this order. The writ petition is allowed.

(S. M. MODAK, J.) **(M. S. KARNIK, J.)**