



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

WRIT PETITION NO. 7359 OF 2023

Sunil Shankar Mohite,
Age : 54 Years, Occ. Self Employed,
r/o. 57, Bye-Pass Road,
Dinbandhu Housing Society,
Jaysingpur, Tq. Shirol,
Dist. Kolhapur

..Petitioner

Vs.

1. Union of India,
Through its Secretary,
Ministry of Health and Family
Welfare, Nirman Bhavan,
New Delhi
2. The State of Maharashtra,
Through the Principal Secretary,
Health Department, Mantralaya,
Mumbai
3. Director of Health Service,
Health Services Commissionerate,
Central Building, Central Building,
Pune 411 001
4. Joint Director of Health Services,
Kutumb Kalyan Bhavan,
Raja Bahadur Mill Road,
Behind Pune Railway Station,
Pune 411 001

5. Dy. Director of Health Services,
Kolhapur Circle, Kolhapur,
Central Administrative Building,
Bawada Road, Near DSP Office,
Kolhapur,
 6. District Tuberculosis Officer,
District Tuberculosis Centre,
OPD No.66, Vasantdada Patil,
Civil Hospital, Sangli
 7. The New India Assurance Co. Ltd.
New India Assurance Building,
87, M.G.Road, Fort, Mumbai
- ..Respondents

Mr.Dhairyasheel Sutar along with Ms.Shruti Ghodake, Ms.Rakshita Shinde, Mr.Onkar Sutar, Ms.Reshma Adwait and Ms.Latika Kabad, Advocates for petitioner

Mr.Vijay Killedar, Advocate for respondent no.1 – U.O.I.

Mr.A.A.Naik, AGP for respondent nos.2 to 6

Mr.Devendranath Joshi, Advocate for respondent no.7

**CORAM : R.G. AVACHAT &
AJIT B. KADETHANKAR, JJ.**

DATE : JANUARY 14, 2026.

ORAL JUDGMENT (Per Ajit B. Kadethankar, J) :-

Rule. Rule is made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

Subject-matter :

2. 'Rejection of Petitioner's claim for *ex-gratia* compensation under the "Pradhan Mantri Garib Kalyan Yojana", in respect of death of his wife who died of Covid-19 while on duty as Health Worker (Nurse) at Police Hospital Sangli,' is the subject-matter of present petition.

The Joint Director, Health Services Pune who is the Chairman of State Technical and Administrative Committee under the Pradhan Mantri Garib Kalyan Package, rejected petitioner's claim. The reason recorded is, "although late Rekha Mohite contracted Covid-19 infection while actively serving as Staff Nurse at 'Police Hospital Sangli' where the Covid-19 infected police personnel were treated for preliminary treatment, the 'Police Hospital Sangli' was not in the list of hospitals requisitioned for Covid-19 treatment".

Considering the nature of prayers in the Writ Petition, we have heard the learned counsels for the parties for final disposal of the Writ Petition.

Facts in brief:

3. Petitioner's wife - Late Rekha Mohite was appointed as Staff Nurse at the Civil Hospital Sangli on 28-07-2009. By an office

order dtd.21-06-2016 she was transferred to the District Tuberculosis Center Sangli.

4. Since about 22-03-2020 Covid-19 Pandemic occupied the whole nation, a nationwide lock-down was declared by the Government. There was dire need of frontline health workers at various health Center to face the Covid 19 Pandemic. Vide an order dtd.10-09-2020, late Rekha was deputed to the Police Hospital Sangli as a frontline health worker.

5. Police personnel were working as frontline Covid fighters while the Covid Pandemic was in full force. The police personnel who were suspected to have been infected of Covid-19, were brought for preliminary treatment at Police Hospital Sangli, and subsequently were shifted to other bigger hospitals if needed.

6. Late Rekha Mohite was serving those unwell Covid 19 suspect Police Personnel at Police Hospital Sangli as staff nurse during the crucial period of Covid Pandemic. While serving so, she came into contact with several Covid infected patients of Police department and she too was diagnosed as Covid infected on 21-04-2021. Health condition of late Rekha deteriorated drastically very

fast resulting into her unfortunate death within 04 days from the diagnosis i.e. on 24-04-2021.

The competent authority i.e. District Tuberculosis Officer, District Tuberculosis Center, Sangli certified that Rekha Mohite died of Covid-19 infection on 24-04-2021, and was on active duty even on 14th day prior to her death (Page-60).

7. A scheme was floated by the respondent No.1 – Union of India in coordination with respective State Government for grant of compensation under ‘*Pradhan Mantri Garib Kalyan Package*’ (‘PMGKP’ for the sake of convenience) - Insurance Scheme for Health Workers fighting Covid-19. The Government authorities extended the operation of Scheme from time to time, and lastly by 180 days w.e.f.24-03-2021.

Vide letter dtd. 28-04-2021, the Director of Health Services, State of Maharashtra informed the extension of Scheme period to all health authorities pan State. As such, the Scheme was operational at least till 23-09-2021 (Exh.H:page 51-52).

8. The petitioner submitted a claim to the District Tuberculosis Officer Sangli for grant of compensation under the said

scheme. The Petitioner lodged his claim with all necessary documents including death certificate, Certificate by competent authority certifying the death by Covid-19 infection etc.

9. The District Tuberculosis Officer verified and confirmed that the claim documents were in order, and only thereafter recommended the claim for sanction vide her letter dtd.05-08-2021 (Exh.J-page 61). This letter confirms that the claim form was complete in all senses.

10. The Deputy Director of Health Services, Kolhapur division scrutinized the proposal and found that the claim could be processed under the scheme. Hence vide letter dated 21-09-2021, he recommended the claim proposal to the Director of Health Services-2, Pune Directorate for administrative sanction (Exh.K- page 63).

11. As decision on Petitioner's claim was delayed, he was constrained to file Writ Petition NO.7924 of 2022 before this Court. Vide order dated 07-07-2022, this Court disposed of the Writ Petition with directions to the authorities to take appropriate decision within a stipulated period.

12. On 12-08-2022, the Deputy Director Health Services, Kolhapur Division informed the District Tuberculosis Officer Sangli that the subject-matter Claim has been rejected under the orders dated 20-10-2021 issued by the Joint Director, Health Services, Pune @ Chairman, State Technical and Administrative Committee (PMGKP).

Both the letters dtd. 12-08-2022 and 20-10-2021 show the reason for claim rejection that 'although deceased Rekha died of Covid-19 while serving the Police Hospital Sangli', the said hospital was not requisitioned as a Covid Treatment Center. The letters further reveal that the Director of Health Services, Pune formed a committee to process claims for the benefit of the Scheme. The said committee in its meeting dated 04-10-2021 opined that as the Police Hospital Sangli was not recognized for requisition as Covid treatment Center, deceased Rekha could not be said concerned with the services to Covid patients.

As such, vide communication dated 20-10-2021 Petitioner's claim has been turned down by the Joint Director, Health Services, Pune-1.

Petitioner's argument:

13. Mr. Sutar, Learned counsel for the petitioner has taken us through the order dated 28.03.2020, issued by the Ministry of Health

and Family Welfare, Dept. of Health and Family Welfare, New Delhi, which is at page 38 of compilation of the petition, which reads thus:-

ORDER

As per the announcement made under the Pradhan Mantri Garib Kalyan Package the competent authority has approved the launch of 'Pradhan Mantri Garib Kalyan Package: Insurance Scheme for Health Workers Fighting COVID-19' with the following conditions:

i. It will be a comprehensive personal accident cover of Rs. 50 lakh for ninety (90) days to a total of around 22.12 lakh public healthcare providers, including community health workers, who may have to be in direct contact and care of COVID-19 patients and who may be at risk of being impacted by this. It will also include accidental loss of life on account of contracting COVID-19;

ii. On account of the unprecedented situation, private hospital staff/retired/volunteer/ local urban bodies/contract/daily wage/ad-hoc/outsourced staff requisitioned by States Central hospitals/ autonomous hospitals of Central/States/UTs, AIIMS & INIs/ hospitals of Central Ministries can also be drafted for COVID 19 related responsibilities. These cases will also be covered subject to numbers indicated by MoHFW;

iii. The scheme will be funded through the NDRF Budget operated by the Health Ministry for this purpose;

iv. Actual payment by the Insurance Company to

the beneficiary will be under certification of the authorised Central State Government Officials; and

The insurance provided under this scheme would be over and above any other Insurance cover being availed by the beneficiary.

2. This Order is issued with the concurrence of Integrated Finance Division vide their CD no. 4593.

14. Mr. Sutar relies on Clause (i) of the scheme/order and submits that there is no condition in the scheme which requires a particular place/hospital to have been requisitioned for Covid-19 treatment to hold that the concerned employee's services concerned with Covid related work. He would submit that the case of the petitioner is squarely covered by the scheme and the representation of the petitioner has been incorrectly rejected by the concerned authority. He therefore prays for allowing of this Writ Petition.

15. Mr. Sutar Learned Counsel for the Petitioner relies on the decisions rendered by this Court in the cases of (i) **Ramesh Balu Patil vs. State of Maharashtra and others, 2025 BHC - KOL** and (ii) **Pradeep Arora and others Vs. Director, Health Department, Government of Maharashtra and ors., 2025 INSC 1420.**

16. Mr.Vijay Killedar, learned counsel for respondent no.1 – Union of India would submit that the impugned order would show that the said representation has not been received by his office and therefore, the same could not be processed. He would submit that it was the State authority to process the representation and forward it to the concerned authority.

17. Mr. Naik, learned Assistant Government Pleader for respondent nos.2 to 6, would support the impugned order dated 20.10.2021. He would reiterate that since the Police Hospital, Sangli, was not requisitioned as Covid Treatment Center, the authority has rightly rejected the representation filed by the petitioner.

18. Mr.Joshi, learned counsel for respondent no.7, would submit that no proposal of the petitioner was pending with respondent no.7 – Insurance Company.

Discussion and consideration:-

19. With the able assistance of learned counsel for the parties, we have gone through the documents in the file including the reply affidavits and the rejoinder filed by the Petitioner. It would be pertinent to note that Clause (i) of the order dated 28.03.2020 does not require a particular place/hospital to have been

requisitioned for Covid-19 treatment for applicability of the scheme to hold that the concerned employee was serving the Covid patients.

20. It is not disputed that deceased Rekha was working as a Staff Nurse in the Civil Hospital Sangli, then at District Tuberculosis Center Sangli, and at the relevant time she was deputed at the Police Hospital, Sangli. It is also not disputed that deceased Rekha died of Covid-19 infection. In fact, there is a certificate on record issued by the District Tuberculosis Officer, Sangli, wherein it has been certified that deceased Rekha died on 24.04.2021 due to Covid-19 and she was very much on duty fourteen days prior to her death. It is thus crystal clear that deceased Rekha died of Covid - 19 while she was on duty. Needless to mention, late Rekha was a public health service provider.

21. Mr.Vijay Killedar, learned counsel for respondent no.1 pointed out the outer limits for consideration of claims extended from time to time. In view of the record before us, the claim was lodged by the Petitioner on 24-05-2021. The claim was verified and recommended by the District Tuberculosis Officer on 05-08-2021 as per the recommendation letter dtd. 05-08-2021. As observed supra, lastly the scheme was extended till 23-09-2021 by the government.

We have no doubt in our minds to hold that the subject-matter claim was lodged well within scheme period. Inaction of the part of the authorities to process the claim to further authorities or any delay therein would not frustrate Petitioner's claim on limitation.

22. Pursuant to the order dated 28.03.2020, issued by the Ministry of Health and Family Welfare, Dept. of Health and Family Welfare, Government of India, a Government Resolution came to be issued on 29.05.2020 by the Government of Maharashtra, Department of Finance. This covered such employees of the State government other than the Health Workers. The G.R. is reproduced as follows for ready reference:-

“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 30th September 2020.”

23. This Court had an occasion to deal with a case where a data entry operator working in a public health Center died beyond the period of the scheme, but was infected during the period of the scheme. While deciding the **Writ Petition No.15235 of 2022 (Ramesh Balu Patil Vs. State of Maharashtra and others)**, we have observed as follows:-

11. We hold that the benevolent scheme formulated under the Government Resolution dated 29th May 2020 and subsequent Government Resolution dated 14th May 2021 cannot be given a narrow meaning anymore. We declare that “it is not the date of death, but the date of contracting Covid-19 infection which is material for grant of insurance coverage under the Government Resolution dated 29th May 2020 read with Government Resolution dated 14th May 2021”.

24. Looking to the parent order of 2020 issued by the Union of India, we do not find that there is any stipulation in the scheme, which would require that the hospital where the deceased was working must have been incorporated in the list of the hospitals requisitioned for Covid-19 treatment. Observing and terming the compensation scheme only to meant for such health workers who were working in such hospitals/places which were requisitioned for Covid-19 treatment shall, in our opinion frustrate the benevolent scheme of compensation itself. If the scheme is gone through meticulously it is obviously a comprehensive policy with far reaching effect.

25. We beneficially place our hands on the observations made by Hon'ble Supreme Court in the case of **Pradeep Arora Vs. Director, Health Department, Government of Maharashtra (2025 SCC OnLine SC 2773)** of which paragraphs 27 and 28 read as follows:-

“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.”

26. We may make another profitable reference to the judgment and order dated 10.12.2025 passed by this Court at Kolhapur Circuit Bench in Writ Petition No.17617 of 2024 (**Vijaya Yashwant Jadhav Vs. Block Development Officer**). The relevant portion is reproduced as follows:-

“11. Let us revisit the testing times of COVID-19 pandemic. The world before the onset of COVID-19 was marked by steady progress and normalcy; life around the globe moved with a sense of stability and continuity. However, this sense of normalcy was shattered abruptly when the novel coronavirus, COVID-19, emerged and spread across the globe with alarming speed, disrupting the regular rhythm of life and placing humanity in the midst of an unprecedented public health crisis. The sudden outbreak acted like a formidable demon, disrupting lives, overwhelming the healthcare infrastructure, and inducing widespread fear and uncertainty. Entire economies were affected, social structures were challenged, and individuals were forced into protective isolation to safeguard their own health.

12. *Amidst this global turmoil, the resilience of the human spirit was examined in a remarkable way. The general public was compelled to adopt protective measures such as wearing masks, practising sanitisation, and maintaining social distancing, thereby limiting physical contact and restricting movement. Yet, in the face of such grave danger, a category of individuals rose with extraordinary courage and unwavering dedication—our frontline workers, including healthcare professionals such as doctors, nurses, paramedics, sanitation staff, police personnel, and countless others involved in essential services, became the guardians of life during these testing times. They confronted the COVID-19 pandemic head-on, willingly exposing themselves to substantial personal risk to save others. They worked tirelessly in hospitals, quarantine centers, testing facilities, and vaccination drives. Their commitment often meant being away from families, working long hours under extreme pressure, and facing the trauma of losing patients as well as colleagues.*

13. *Their role was not just a professional obligation; it was an act of selfless service. They fought not only against a microscopic enemy but also preserved the very foundation of society by ensuring the continued availability of vital healthcare and public services. When the pandemic presented a challenge of unparalleled magnitude for mankind, our frontline workers' resilience, bravery, and sacrifice became the cornerstone of the global response. Tragically, many of these bravehearts made the ultimate sacrifice; their own lives fell victim in their courageous efforts to save others. In recognising this profound sacrifice, it is a moral and societal imperative to honour frontline workers and extend necessary support to their families, especially the heirs of those who lost their lives. This is the very object of introducing the*

insurance scheme vide the GR dated 25th April 2022.

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 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.

15. This would be in tune with the constitutional ethos that the State must act with sensitivity towards those who have suffered and must not allow procedural rigidity to eclipse substantive justice. It reinforces the societal acknowledgement that the courage displayed by frontline workers remains a beacon of hope in a time of despair.”

27. In the present case, deceased Rekha was undisputedly working in the Police Hospital Sangli by an Officer Order specifically during the Covid period and for covid purpose. Needless to mention, the police officers and police personnel were the front-line workers during the Covid-19 pandemic. The Police Hospital was also meant for preliminary treatment. The Covid patients amongst Police Personnel were later shifted to bigger covid centers for the further treatment as

per the condition. There is every possibility that some of the police personnel who had visited the Police Hospital Sangli for preliminary treatment of Covid-19 caused its infection to the Staff Nurse- late Rekha. It is but obvious that deceased Rekha contracted Covid-19 infection while she was on duty there.

28. Police personnel were on duty 24X7 during the Covid pandemic period having been closely and extremely exposed to the pandemic. The Police Hospital, Sangli, as observed above, was meant for preliminary treatment to such Police Personnel who were found unwell during Covid Period and were suspected to have been infected of Covid-19. It is but obvious and natural that such unwell police personnel who although were referred to well-equipped hospitals, were treated at Police Hospital, Sangli. Under these undisputed facts, its obvious that she was serving covid patients. We do not agree that merely because the Police Hospital Sangli was not enlisted as Covid treatment Center, deceased Rekha's services were not concerned to covid related services.

29. In our view, what is necessary for grant of compensation is that the concerned employee has to be a health worker and ought to be infected of Covid-19 while on duty before the last date stipulated in the Government Resolution of 2020 and subsequent

extension to the outer date granted by the Government Resolution dated 14.05.2021. The undisputed fact that late Rekha was serving actively at Police Hospital Sangli during the period when the Covid pandemic was in wild disorder itself shows that she is covered by the scheme.

30. In the present case, the competent authority has duly certified that deceased Rekha's cause of death was Covid-19 and she was on duty fourteen days before her death. The reason rendered by the Joint Director of Health Services in rejecting the claim for Police Hospital, Sangli not being enlisted in the list of requisitioned hospitals, is a foreign to the scheme itself. The scheme does not have such narrow object.

31. We had been cautious enough to call upon the Id. Assistant Government Pleader to demonstrate legitimacy of the rider on availing benefit of the subject-matter scheme. Learned Assistant Government Pleader could not point out as to from what the concerned authority carved out the ground to reject the petitioner's claim. It appears that the committee appointed by the Director of Health Services at its own have fixed criteria to classify the claims as competent and incompetent. Incorporation of a health center in a list named as Covid treatment unit is fixed as a predominant criterion by

the said Committee to conclude that the concerned health worker was concerned with Covid related services.

32. May it be, we are of the firm opinion that there can be no such condition, no such parameter, no such illogical classification which de-facilitate execution of the Scheme and would be extraneous to the scheme itself. Rejection of Petitioner's claim lacks of prudent logic and pragmatic slant.

33. We do not comprehend with the contention of Ld. Assistant Government Pleader and the Ld. Counsel for the Union of India that only those employees who worked in the categorized health centers they only were concerned with covid related services. A Judicial note can be taken that from a huge number of health centers at preliminary examinations patients were suspected to have been infected of Covid-19, and then were shifted or advised to shift at bigger covid centers. Obviously, the health staff at such preliminary units was susceptible to covid infection at par with the those working at categorized covid centers. Late Rekha Mohite was one amongst such employees serving the patients who were suspected of covid infection. She was continuous on duty while suffered Covid infection. The gap between detection of infection and her death is merely of 03 days (21-24). The competent authority and the treating doctor

certified Covid-19 infection to be the cause of Rekha's death. Disposing her contribution as non-covid related services merely on the ground of categorization of health centers would not only defeat the very object of the Scheme, but results into violation of Article 14 of the Indian Constitution.

34. We find that it is not only hyper-technical approach of the concerned authority, but imposing condition which even does not find part of the original scheme tempts us to hold that approach of the respondent authorities is hostile to the object of the scheme.

35. Before parting, we note submission of the Ld. Counsel for the Insurance company that as on today no insurance claim is pending with the Company. Learned Standing Counsel for the Union of India submitted that the claim has not even reached to it from the Director of Health Services, Pune. We have already held that petitioner's claim was filed well within time when the subject-matter scheme was in force. Rejection of Petitioner's claim by the Director of Health Services under the opinion of the appointed Committee is incorrect, and the Petitioner's claim is entitled to be honored under the subject-matter Scheme. In view of that, it is for the respondents to pay the compensation to the Petitioner under the Scheme, and the Petitioner must not be deprived of his legitimate right to get the

compensation on any count including the liability amongst the respondents authorities.

36. In the result, the Writ Petition is allowed in the following terms:-

(i) The impugned order dated 20.10.2021, passed by respondent no.4 - Joint Director of Health Services Pune @ Chairman, State Technical and Administrative Committee (PMGKP) is quashed and set aside.

(ii) Respondent no.4 - Joint Director of Health Services Pune @ Chairman, State Technical and Administrative Committee (PMGKP) shall process the petitioner's proposal for grant of benefit of '*Pradhan Mantri Garib Kalyan Package*' in respect of deceased Rekha (petitioner's wife) and shall grant compensation to the petitioner in terms of the said Scheme, within a period of sixteen weeks from the date of receipt of a copy of this order.

(iii) Rule is made absolute accordingly. The petition stands disposed of.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]

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KBP