



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11611 OF 2024

Smt. Sulochana Sharad Kulkarni and ors. Petitioners
Versus
The State of Maharashtra and ors. Respondents

Mr. Alankar Kirpekar a/w Mr.Sagar Kasar, Mr. Ayush Tiwari, Mr.Rishabh Tiwari, Mr.Amol Wagh i/b Sagar Kasar, for the Petitioner.

Mr. Shriniwas S. Patwardhan a/w Mr. A.V. Hardas, for Respondent No.4.

Mr. Shriram Kulkarni, for the Respondent No.5.

Smt.Pooja Patil, AGP for Respondent-State.

**CORAM : M.S.KARNIK &
S.M.MODAK, JJ.**

DATE : 11th FEBRUARY 2026

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

1. By this petition under Article 226 of the Constitution of India, the petitioners who are the legal heirs of the late employee who died due to Corona virus, are seeking directions to respondents no.1 to 5 to release the amount of Rs. 50,00,000/- towards Covid compensation.

2. The facts of the case in brief are that late Shri Unmesh

Sharad Kulkarni joined the services of Manmad Municipal Council ('Municipal Council', for short) as Class IV employee with effect from 29/06/1990. The Municipal Council issued a letter dated 09/01/2021 appointing late Shri Unmesh Kulkarni as force staff to tackle Covid-19 surge at Dr. Babasaheb Amebedkar Playground and Railway Institute. Late Shri Unmesh Kulkarni died in harness due to Covid-19 while serving as Class IV employee on 29/03/2021. The Chief Officer of the Municipal Council submitted a report dated 22/11/2021 to the Respondent No.3 - District Administrative Officer, Urban Development Branch, Nashik enclosing the following documents.

- a. Original Appointment Order of Late Unmesh Sharad Kulkarni.
- b. Office Order issued to Late Unmesh Sharad Kulkarni during Covid-19 period.
- c. Medical report of Late Unmesh Sharad Kulkarni indicating Corona positive patient.
- d. Death Certificate of Unmesh Sharad Kulkarni indicating he died due to Corona.
- e. Medical report issued by the hospital to the office of Municipal Council.
- f. Daily treatment report taken by late Shri Unmesh Sharad Kulkarni.
- g. Attendance register and certificate of attendance of late Unmesh Sharad Kulkarni.

3. The Government of Maharashtra issued a GR dated 11/02/2022 granting ex-gratia of Rs. 50,00,000/- to the family members of municipal employees who died due to Covid- 19. The petitioners submitted the required documents and entered into correspondence with the Municipal Council vide letters dated 23/09/2022 and 07/12/2022. The employee was admitted to the respondent no. 6, a private hospital as he contracted Covid while on duty.

4. It appears that the name of the petitioner was not uploaded on ICMR portal at the hospital and subsequent attempts failed. Respondent no. 6 - Iqra Hospital on 09/11/2022 tendered an unconditional apology stating that due to lack of training, the name of late Shri Unmesh Kulkarni was not uploaded on ICMR portal and subsequent attempts had failed.

5. The petitioners issued a notice to the respondents no. 2 to 4 demanding release of ex-gratia amount within a period of two weeks. In terms of the procedure prescribed by GR dated 04/08/2021, after the certificate was obtained from Iqra Hospital that the employee was a victim of Covid-19 virus, the Municipal Council submitted a proposal to the District Administrative Officer

through the Collector's Office on 22/11/2021. In the said communication, it is clearly recorded that the concerned hospital has mentioned the cause of death as Covid-19 virus.

6. Learned AGP appearing on behalf of the Collector submitted that the Collector will now have to scrutinize the proposal dated 22/11/2021 which is submitted by Municipal Council in terms of what is provided in the GR dated 04/08/2021. It is submitted that the Collector would scrutinize the authenticity of the submitted documents and complete other formalities of verification of the documents resubmitted by respondent no.5 -Municipal Council. Learned AGP on instructions submitted that process of the verification and scrutiny as per GR dated 04/08/2021 will require a period of 4 weeks from the date of communication of this order. Learned AGP submitted that in case the proposal is found to be in order, the office of the respondents no. 2 & 3 shall forward the said proposal to respondent no. 7 for further compliance within a period of 2 weeks from the date of completion of such verification. Learned AGP further submitted that after the proposal forwarded by the Collector is received by the respondent no.7, the same shall be communicated to respondents no.2 & 3 for further action within

a period of 6 weeks. Learned AGP submitted that in case authenticity of the documents upon scrutiny do not fulfil the requirements of the GR dated 04/08/2021, then in that event, in all fairness to the petitioners, the same would be communicated to the petitioners along with reasons for such rejection within a period of 2 weeks from the completion of such verification.

7. We have perused affidavit-in-reply filed on behalf of the respondent no.7 duly affirmed by Mr. Ajinkya Vasant Bagade, Deputy Secretary, Urban Development Department, Mantralaya. In support of the submissions made by learned AGP, it would be pertinent to extract the relevant portion of the said affidavit-in-reply filed on behalf of the respondent no.7 which reads thus :

“2. I say that the Petitioner is seeking directions to the Respondent Nos. 1 to 5 to forthwith release the amount of Rs. 50,00,000/- being the beneficiary under the said Government Resolution dated 04.08.2021 issued by this office of the Respondent No. 7 i.e. Urban Development Department, Mantralaya, Mumbai. I say that, by the Government Resolution dated 04.08.2021 issued by the Deputy Secretary, Urban Development Department, State of Maharashtra, the Covid compensation scheme was made applicable for the non-medical employees of various Municipal Corporations, Municipal Councils, Nagar Panchayats who were actively involved in various activities during Pandemic. I say that this Government Resolution dated 04.08.2021 was applicable to all local bodies except group A and group B Municipal Corporations who were specifically directed to pay such compensation from their own funds. I say that the said scheme was applicable to provide financial aids to the employees in the aforesaid Urban Local Bodies who were actively involved as frontline employees during the Covid-19 pandemic and who were deceased due to infection of Covid-19. Hereto

annexed and marked as Annexure-1 is the copy of Government Resolution dated 04.08.2021.

3. I say that in the aforesaid Government Resolution dated 04.08.2021 it was specifically directed that in case of death of any employee of the Urban Local Body, the application will be scrupulously scrutinized by the head of the organization i.e. Commissioner in case of Municipal Corporations(except Group A and Group B Municipal Corporations) and Chief Officer in case of Municipal Councils. I say that the authenticity of each case was to be verified and certified by the above named person to avoid any element of bogus claims. I say that after verification and subject to the compliance of other terms and conditions mentioned in the Government Resolution, the proposal is forwarded by the concerned Commissioner, Chief Officer through Directorate of Municipal Corporation to the office of Respondent No. 7 for further compliance.

4. I say that the Petitioner claims that her husband was a Class-4 category employee in Manmad Municipal Council, District: Nashik, who has passed away on 29.03.2021 due to Covid-19 virus. I say that this Respondent was not aware about any application submitted by the Petitioner in respect of Compensation to Manmad Municipal Council till the notice was issued in the present Petition. I further say that, when petition received to this office, a letter dated 12.12.2024 has been issued by this office of the Respondent No. 7 to the Director, Directorate of Municipal Administration with copy forwarded for necessary action to Chief Officer, Manmad Municipal Council, District: Nashik regarding the present status and remarks of the petitioner's case. Hereto annexed and marked as Annexure-2 is the copy of letter dated 12.12.2024 issued by this office of the Respondent No. 7.

5. I say that till the date, office of the Respondent i.e. Respondent No. 7 has not received any proposal regarding Petitioner from the Chief Officer, Manmad Municipal Council, District: Nashik through Directorate of Municipal Administration, to decide the application. I further say that subject to the Petitioner's complying with all the requirements and fitting into the criteria and fulfilling the terms and conditions in the Government Resolution dated 04.08.2021, the case of the Petitioner can be considered for grant of compensatory benefit of its merit.”

8. We have heard learned counsel for the parties. In ordinary

course, we otherwise would not have found any difficulty in accepting the submissions made by learned AGP. Learned AGP submitted that the proposal which is resubmitted by the Municipal Council would be verified by the Collector and then recommendations would be made to the State Government for further consideration. However, in the peculiar facts of this case, we are not inclined to adopt such a course.

9. The employee was working as a Sweeper - a Class IV employee with the Municipal Council. He worked for almost 31 years with the Municipal Council. There is no dispute and even learned counsel Mr. Kulkarni appearing for the Municipal Council submits that the letter dated 09/01/2021 was in fact issued appointing late Shri Unmesh Kulkarni as force staff to tackle Covid-19 surge at Dr. Babasaheb Amedkar Playground and Railway Institute. The employee was thus a frontline worker required to tackle Covid-19 surge. Late Shri Unmesh Kulkarni died on 29/03/2021. No doubt, the proposal which was earlier submitted by the Municipal Council to the Collector was incomplete for want of necessary documents. Respondent no.6-hospital on 09/11/2022 tendered an apology stating that due to lack of training, the name

of late Shri Unmesh Kulkarni was not uploaded on ICMR portal and subsequent attempts failed. The certificate of respondent no. 6- hospital that the petitioner died due to Covid-19 is on record.

10. Learned counsel Shri Kulkarni appearing for the Municipal Council submits that the Council does not doubt the genuineness of the said certificate and in fact, it is for this reason, that the proposal with all the relevant documents and necessary certificates is forwarded to the Collector. We find that the communication dated 22/11/2021, by which the Municipal Council forwarded the proposal to the Collector, clearly mentions the cause of death as Covid-19 and therefore as the claimants have complied with all requirements, the proposal is forwarded. There is no reason to doubt the genuineness of the certificate which is issued by the respondent no.6 – hospital, merely because the respondent no. 6- hospital is a private hospital. Moreover the same has already been scrutinized by the Municipal Council and accordingly the proposal has been forwarded.

11. The employee died on 29/03/2021. The proposal is pending since 2021. At this distance of time, to again subject the proposal to a detailed verification and scrutiny would amount to

adding to the agony of the family of the deceased employee who had served for 31 years as a Sweeper with the Municipal Council. Further, the concerned employee was admittedly a frontline worker who was assigned the task of tackling the surge of Covid-19 virus. The employee died prior to the issuance of GR dated 04/08/2021 & the subsequent GR dated 11/02/2022. That the employee is covered by the GR subject to the fulfillment of the conditions is not disputed. The argument is that the employee was admitted to a private hospital when the requirement of the GR is admission in the government hospital. The GR is issued after the death of the employee. In such trying times when the employee contracted Covid, to expect him to be admitted only in a government hospital for claiming an entitlement, is arbitrary and unjust. To subject the proposal for minute scrutiny in terms of the GR which is issued after the death of the employee would be unjust, particularly when the cause of death is already on record and further when there is no dispute that the concerned employee was a frontline worker tackling the surge of Covid-19 virus. The requirements of the GR are procedural formalities, purely technical in nature. Once the factum as regards the employee dying due to

contracting the Corona virus is on record, it is hardly of any consequence whether he was admitted to a private or government hospital. The substance that matters is whether the employee's death is due to contracting Covid during the course of his duties in tackling the surge of Covid-19.

12. It is in this view of the matter, when the Municipal Council has already scrutinized the proposal, that we are inclined not to subject the proposal already forwarded for further verification and scrutiny by the Collector and then by the State Government. It is in the peculiar facts of this case that we do not accede to the suggestion of learned AGP which in normal course, we would have found no difficulty in accepting.

13. In the context of the claim made, a profitable reference can be made to the judgment dated 10/10/2025 of this Court [Circuit Bench at Kolhapur] in the case of **Vijaya Yashwant Jadhav and ors Vs. Block Development Officer and ors in Writ Petition No. 17617 of 2024.** Paragraphs no. 11 to 13 of the said decision read thus :

“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, practicing 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 centres, 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. We therefore direct the Collector, Nashik to process the proposal forwarded by Manmad Municipal Council on 22/11/2021 immediately and forward the same to respondent no. 7 proceeding on the footing that necessary certificates and documents submitted are genuine and that late Shri Unmesh Kulkarni has died due to

Corona virus. The Collector shall forward the proposal within a period of 4 weeks to the State Government. Learned counsel for the petitioners assures that copy of this order shall be placed on the record of the Collector on 16/02/2026. Within a period of 4 weeks thereafter, necessary approvals be granted by the respondent no. 7. The compensation in terms of the GR dated 11/02/2022 shall be paid to the petitioners within a period of 10 weeks from 16/02/2026. Any attempt to delay or defeat the claim on technical considerations shall be viewed seriously.

15. List the petition for compliance after 10 weeks.

16. Though we have indicated the timeline, we have no manner of doubt that the Collector Nashik and respondent no. 7 shall process the proposal most expeditiously considering that the cause for which this petition is filed will provide some solace to the heirs of the deceased employee who worked with the Municipal Council for 31 years.

17. The petition is disposed of.

(S.M.MODAK, J.)

(M.S.KARNIK, J.)