

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.Nos.7414 and 7456 of 2020

W.P.No.7414 of 2020

S.Jimraj Milton
S/o.A.Sugirtharaj,
1st Floor, FatemaManzil,
No.150, LinghiChetty Street,
Chennai - 600 001.

...Petitioner

Vs

1.Union of India
Represented by
It's Cabinet Secretary
Rashtrapati Bhavan,
New Delhi - 110 004.

2.The State of Tamil Nadu,
Represented by its Health Secretary,
Secretariat, Fort St.George,
Chennai - 600 009.

...Respondents

PRAYER : Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 2nd respondent to constitute a State Level Executive Committee led by Chief Secretary in view of Section 20 of the Disaster Management Act, 2005 consisting the Secretaries of the concern ministries including Home, finance, PWD, Health & Social Welfare and Labour and also including the persons from Eminent Health care & Eminent Social Activist to assist the State Government/State Disaster Management Authority to

perform its functions to prevent & control the COVID-19 based on the guidelines framed by National Centre for Disease Control and constitute a District level Disaster Management Committee under Section 25 of the Disaster Management Act, 2005 including the persons from Health care expert & Eminent Social Activist and all other required local level Committees including the volunteers to perform its functions to prevent and control the COVID -19 and direct the 2nd respondent to notify and approve the 'COVID-19' isolated wards both in Government and Private Hospitals in all districts along with sufficient beds and necessary testing labs with complete free of costs for treatment and testing and handling all suspected persons who arrived from foreign country 01.03.2020 onwards, keep them into special quarantine camps which may be re-designate the schools and college hostels and Marriage and Community Halls as temporary isolation wards or hospitals / quarantines and give proper and regular follow up treatment to fight endemic disease effectively and emergently and further provide personal protective equipments (PPE) especially for doctors, nurses and hospital staffs in COVID-19 wards as per the prescription of WHO and provide prescribed protective gears for them and also provide safety gears who were all working daily when the rest of the community is isolating themselves like scavengers, policemen, corporation, electricity and telecommunication staffs and all essential service employees and to quarantine a section among the workforce of essential service for future catastrophe of COVID-19.

For Petitioner :Mr.S.Parthasarathy

For Respondents :Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by Mr.A.N.Thambidurai
Special Government Pleader

and
Mr.C.V.Shailendharan
Government Advocate

W.P.No.7456 of 2020

S.Jimraj Milton
S/o.A.Sugirtharaj,
1st Floor, Fatema Manzil,
No.150, Linghi Chetty Street,
Chennai - 600 001. ...Petitioner

Vs

The State of Tamil Nadu
Represented by its Health Secretary,
Secretariat, Fort St.George,
Chennai - 600 009. ...Respondent

PRAYER : Writ petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to G.O.M.S.No.174 dated 03.04.2020 passed by the respondent and quash, in so far as clause 4 of the same and further direct the respondent to provide and ensure medical assistance irrespective of all COVID-19 affected patients at free of cost.

For Petitioner :Mr.S.Parthasarathy

For Respondent :Mr.P.H.Aravind Pandian
Additional Advocate General
Assisted by Mr.A.N.Thambidurai
Special Government Pleader
and
Mr.C.V.Shailendharan
Government Advocate

COMMON ORDER

(Order of the Court was delivered by **N.KIRUBAKARAN, J**)

These Writ Petitions have been filed (i) to call for the records pertaining to G.O.M.S.No.174, dated 03.04.2020 passed by the respondent and quash the clause 4 of the same and direct the respondent to provide and ensure medical assistance irrespective of all COVID-19 affected patients at free of cost, (ii) to direct the 2nd respondent to constitute a State Level Executive Committee to assist the State Government/State Disaster Management Authority to perform its functions in preventing & controlling the COVID-19 and constitute a District level Disaster Management Committee to prevent and control the COVID -19 and direct the 2nd respondent notify and approve the 'COVID-19' isolated wards in Government & Private Hospitals with free of costs for treatment and testing and handling all suspected persons who arrived from foreign country 01.03.2020 onwards, keep them into special quarantine camps and further provide personal protective equipments (PPE) especially for doctors, nurses and hospital staffs in COVID-19 wards as per the prescription of WHO and to quarantine a section among the workforce of essential services for future catastrophe of COVID-19.

2.It is stated by Mr.S.Parthasarathy, learned counsel appearing on behalf of the petitioner that the people living in areas like Korukupet, Vyasarpadi,

Puliyanthoppu and Ambattur are not having sufficient food and migrant labourers are also locked up in those areas. Secondly, he would point out that as per the announcement made by the Hon'ble Chief Minister under Rule 110, on the floor of the Assembly on 24.03.2020, as per the requirements, Community Kitchens would be opened by the Chennai Corporation. However, so far no Community Kitchen has been opened. If Community Kitchens are opened, it would help people in those areas. He pointed out that sufficient number of Masks and Personal Protective Equipments (PPE) are not available and therefore, that has to be taken care of by the Government.

3.Mr.Aravind Pandian, learned Additional Advocate General appearing on behalf of the respondents would submit that there are about 37,648 number of Personal Protective Equipments (PPE), 1,17,000 number of N-95 Masks and 7,75,106 number of three layered masks. As far as testing kits are concerned, 14,000 number of testing kits are available as on date. He would submit that the supply is regularly coming and the numbers are increasing. With regard to the non-supply of food in those areas mentioned by the learned counsel for the petitioner, the learned Additional Advocate General would submit that as per the Policy of the Government, Rs.1,000/- has been given to the ration card holders and free ration materials and groceries are also provided. Therefore, nobody is suffering for want of food. In any event, he would submit that he

would inform the Authorities and verify the same and inform this Court in the next hearing.

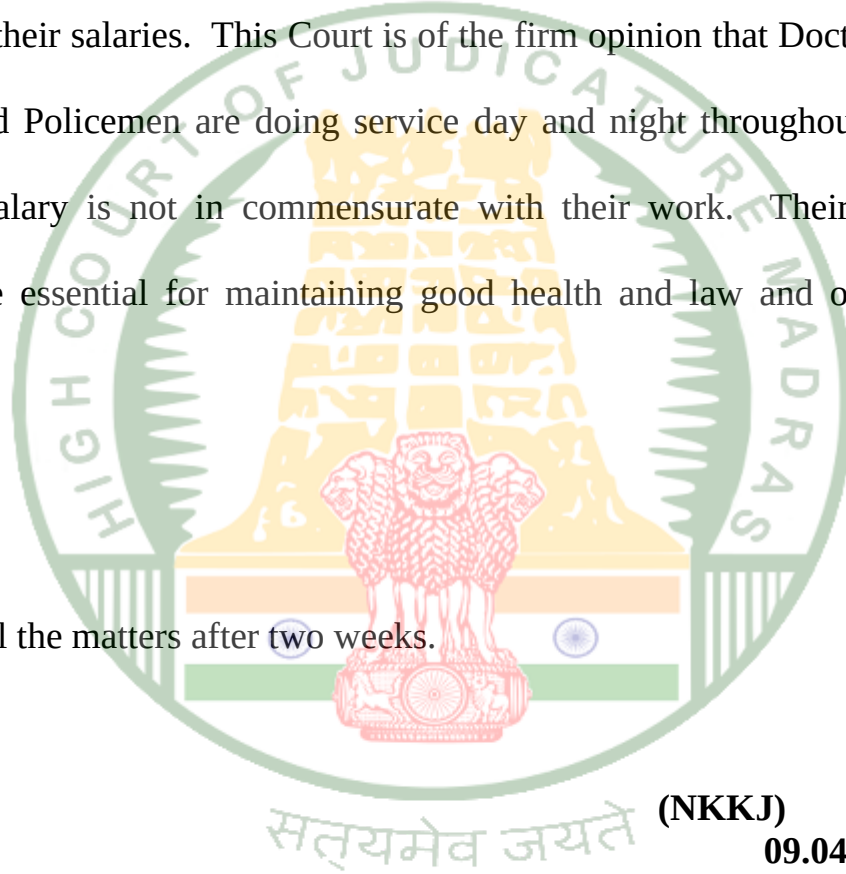
4. With regard to the volunteers who are coming forward to help the Administration in these days of crisis, the learned counsel for the petitioner would submit that though about 45,000 persons including 100 Doctors and 3500 Para Medical Staffs have registered for voluntary service, their services are not being utilized.

5. However, learned Additional Advocate General would submit that in case of necessity for utilizing their services, the Administration is always willing to do that and in this regard also, he will verify and inform this Court in the next hearing.

6. Details regarding availability of Masks and other protective materials have been given by Mr. Aravind Pandian and the same is recorded. This Court is also concerned with the health condition of the Doctors, Health Workers, Sanitary Workers and the Policemen as they are the forefront warriors in the fight against the Corona Virus. Therefore, they should be given break sufficiently, which according to the learned Additional Advocate General is being given. They should also be safeguarded against the viral attack and

therefore, they should be subjected to regular testing by the Authorities. This Court hails and appreciates the round the clock service rendered by Doctors, Health Workers, Sanitary workers and Policemen in the fight against dangerous pandemic which is threatening the entire humanity. This Court hopes and expects that respective Governments would appreciate their services by proper increase in their salaries. This Court is of the firm opinion that Doctors, Health workers and Policemen are doing service day and night throughout the years and their salary is not in commensurate with their work. Their work and services are essential for maintaining good health and law and order in the society.

7.Call the matters after two weeks.



(NKKJ)

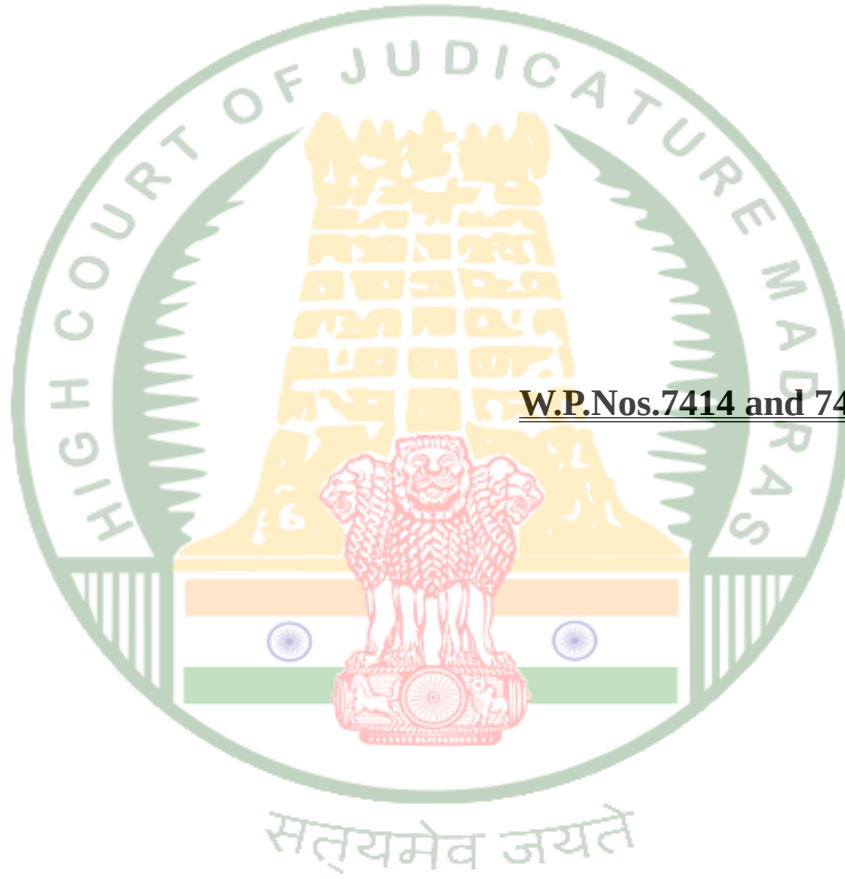
(RHJ)

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and
R.HEMALATHA, J.
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