

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL)..... Diary No(s).10947/2020

JAGDEEP S. CHHOKAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

Date : 05-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Prashant Bhushan, AOR

For Respondent(s)

Mr. Tushar Mehta, SG

UPON hearing the counsel the Court made the following
O R D E R

The Court is convened through video conferencing.

We have heard Mr. Prashant Bhushan, learned counsel for the petitioners and Mr. Tushar Mehta, learned Solicitor General for the Union of India.

In the writ petition, following prayers have been made:

"a. Issue a writ order or direction to the Respondents to allow migrant workers across the country to return to their hometowns and villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation to this effect;

b. Pass such other order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case."

Mr. Tushar Mehta, learned Solicitor General submits that after filing of the writ petition, the reliefs which have been claimed in the writ petition, have been substantially granted since the Government has issued order on 29.03.2020 accepting for movement of workers, who were migrant workers, pilgrims, tourists and students who had stranded at different places and could not move from one place to another. It is further submitted by Mr. Tushar Mehta that the above was already under contemplation even before filing of the writ petition and the Government was considering the same. He further submits that subsequently further orders have been passed on 01.05.2020 and thereafter for facilitating the movement of the aforesaid category of stranded persons, Government is taking all steps with regard to mitigating the hardship of migrant workers who had stranded.

Mr. Prashant Bhushan, learned counsel has submitted that the migrants have to pay 15% of the ticket fair which is not possible for them to bear at this moment.

Mr. Tushar Mehta, learned Solicitor General has submitted that with regard to ticket fair the appropriate steps have to be taken by the Railways and by the concerned State Government. At this moment, no such statement can be made as to what amount is being taken from the migrant workers. He further submitted that Union of

India with the consultation of State Government and Railways are taking all necessary steps for movement of the migrant workers who are stranded.

As noted above, in the writ petition direction was prayed for to the Respondents to allow migrant workers across the country to return to their hometowns and villages after conducting necessary testing for COVID-19 and to arrange for their safe travel by providing necessary transportation. The order dated 29.04.2020 issued by the Government of India, Ministry of Home Affairs sub-clause (iv) under Clause 17 on movement of persons, the Government of India had allowed the movement by directing all States/Union Territories to designate nodal authorities and develop standard protocols for receiving and sending such stranded persons. The main relief which was sought in the writ petition, thus, stood substantially satisfied by the aforesaid order.

The order dated 01.05.2020 issued by the Ministry of Railways has also been placed before us where the Railways has decided to run "Shramik Special" trains to move migrant workers, tourists, students and other persons stranded at different places due to lock down. Necessary modalities for such transportation has to be implemented by the concerned States/Union Territories in collaboration with the Railways. Insofar as charging of 15% of Railway tickets' amount from workers, it is not for this Court to issue any order under Article 32 regarding the same, it is the concerned State/Railways to take necessary steps under the relevant guidelines.

Certain other difficulties have been pointed by Shri Prashant

Bhushan with regard to stranded migrant workers which difficulties are to be addressed and taken care by the concerned State Governments/Union Territories. The substantial relief in the writ petition having been fulfilled we cannot expand the scope of the writ petition to consider other issues sought to be raised by the learned counsel for the petitioners during course of argument.

In view of the aforesaid, no purpose will be served in keeping the writ petition pending. Taking note of the statement made by Shri Tushar Mehta, learned Solicitor General and for the reasons as above the writ petition is closed.

(ARJUN BISHT)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER