

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.05.2020

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

WP.No.7501 of 2020

T.Sivakumar

.. Petitioner

Versus

- 1.The Secretary to Government of India  
Ministry of Petroleum and Natural Gas  
A-Wing, Sasthri Bhavan, New Delhi 110 001.
- 2.The Chairman  
Indian Oil Corporation Ltd.,  
Indian Oil Bhavan, G-9,  
Ali Yavur Jung Marg,  
Bandra (East),  
Mumbai-400 051.
- 3.The Chief Managing Director,  
Bharat Petroleum Corporation Ltd.,  
Bharat Bhavan,  
4 & 6 Currimbhoy Road,  
Ballard Estate,  
Mumbai-400 001.

4. The Chief Managing Director,  
Hindustan Petroleum Corporation Ltd.,  
Hindustan Bhavan,  
3<sup>rd</sup> Floor, No.8, Shoorji Vallabhdas Mard,  
Balard Estate, Mumbai-400 001.
5. The Regional Manager,  
Indian Oil Corporation Ltd.,  
Indian Oil Bhavan,  
139, Mahatma Gandhi Road,  
Nungambakkam High Road,  
Chennai-600 034.
6. The Regional Manager,  
Bharat Petroleum Corporation Ltd.,  
No.1, Ranganathan Garden,  
11<sup>th</sup> Main Road,  
Anna Nagar, Chennai-600 040.
7. The Regional Manager,  
Hindustan Petroleum Corporation Ltd.,  
Thalamuthu Natarajan Building,  
1, Gandhi Irwin Road,  
Chennai-600 008.
8. The Principal Secretary, सत्यमेव जयते  
Government of Tamil Nadu,  
Health and Family Welfare Department,  
St.George Fort, Chennai-600 009.
9. The Nodal Officer,  
Emergency Operations Control Room,  
O/o Directorate of Public Health and Preventive Medicine,  
DMS Campus,

Chennai-600 006.

... Respondents

**Prayer:-** Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, to direct the respondents to provide proper insurance coverage upto 25 lakhs for LPG deliverymen in cash of death due to corona virus infection by collecting the name list of all deliverymen employed by LPG distributing Agencies through online communication and to provide all LPG deliverymen with necessary preventive materials to contain the spread deliverymen with necessary preventive materials to contain the spread of Corona Virus, such as N95 safety masks and gloves set for each cylinder, and sufficient quantity of hand wash liquid for washing of their hands, and on rupee detergent soap powder sachet for each cylinder to wash cylinders before taking them from godown and from consumers and to issue public notice of authorization for the LPG deliverymen to move freely from and to of home and workplace and to take cylinders from godown and to deliver the same to consumers with in stipulated time may be fixed by this Court.

For Petitioner	:	Mr.K.Kathiresan
For R1	:	Mr.G.Karthikeyan, ASG
For RR2 to 7	:	Mr.V.Anatha Natarajan
For RR8 & 9	:	Mr.V.Jayaprakash Narayan,GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

(1)The petitioner claims to be the State Vice President of Tamilnadu LPG Cylinder Deliveryman's Employees Union and the learned counsel for the petitioner would submit that despite the serious outbreak of COVID-19 in

this country, the respondents / Oil Companies and their distributors/Agencies are not taking any effective steps to provide the deliverymen with necessary preventive measures such as N95 Safety Masks, gloves, sanitizers etc., and would further plead that in the event of demise, there must be a proper Insurance coverage by paying a sum of Rs.25 Lakhs to the family of the person who may die on account of the said virus and prays for appropriate orders.

(2) Respondents 2 and 5, 3 and 6 and 4 and 7 have filed their respective counter affidavits and it is their stand that necessary instructions/advisories have been issued to all the distributors and also to be followed by the delivery boys while making refill delivery and that apart, the distributors have also provided masks, gloves and sanitizers to all the delivery staff. It is further stated that the Ministry of Petroleum and Natural Gas has also announced Ex-gratia of Rs.5 Lakhs to the kith and kin of the deliveryman in the event of unfortunate demise due to COVID-19 while making deliveries and that apart, the Ministry of Petroleum and Natural Gas has also announced Insurance coverage of Rs.1 Lakh towards treatment of delivery boys who may be infected by the said disease. It is also stated

that each and every LPG Distributor enters into an agreement with the

respective Oil Corporations termed as "Indane" [Liquified Petroleum Gas] Distributorship [Domestic and Commercial] Agreement and clauses of the said Agreement deals with all eventualities and since proper and effective measures have also been put in place, prays for dismissal of the writ petition.

(3)The learned counsel for the petitioner would submit that though the counter affidavits speak about the effective and preventive measures, the same has not been put in place in practice and the sums of Rs.5 Lakhs and Rs.1 lakh is only a pittance when compared to the hardships undergone by the delivery boys and prays for a positive direction.

(4)This Court has carefully considered the rival submissions and also perused the materials placed before this Court.

(5)In the light of the stand taken by various Oil Corporations in the counter affidavits, this Court is of the considered view that proper and effective mechanism have also been put in place for the safety of the delivery boys and the Management of the Oil Corporations shall also cause periodical

inspection and also surprise inspections as to the compliance for the provision of safety gears such as masks, sanitizers etc., and shall also follow it properly at regular intervals.

(6)In the light of the stand taken by the Oil Corporations in their counter affidavits, no further orders are necessary in this writ petition.

(7)Therefore, the writ petition is closed. No costs.

[M.S.N.,J] [P.S.N., J]  
15.05.2020

AP

Internet : Yes

To

1.The Secretary to Government of India  
Ministry of Petroleum and Natural Gas  
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7/8

O/o Directorate of Public Health and Preventive Medicine,  
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M.SATHYANARAYANAN, J.,  
AND  
PUSHPA SATHYANARAYANA, J.,  
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