

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7690 of 2021**

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JAGRUT AUTO RICKSHAW DRIVERS UNION
Versus
STATE OF GUJARAT

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Appearance:

MR KR KOSHTI(1092) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 2,3

ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP(99) for the
Respondent(s) No. 1

MR KAMAL TRIVEDI, ADVOCATE GENERAL WITH MS MANISHA
LAVKUMAR SHAH, GOVERNMENT PLEADER(1) for the RESPONDENT(s)-
State of Gujarat

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CORAM:HONOURABLE MS. JUSTICE BELA M. TRIVEDI
and
HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 23/07/2021

CAV ORDER
(PER : HONOURABLE MS. JUSTICE BELA M. TRIVEDI)

1. The present petition was listed for admission hearing before the Single Bench, however at the joint request of the learned Advocates appearing for the parties, the same was directed to be heard along with the Suo Moto WPPIL No. 42 of 2020 and WPPIL No. 53 of 2021. It may be noted that both the WPPILs have been disposed of by separate orders.

2. In the present petition, the petitioners who are the Jagruti Auto Rickshaw Drivers Union and Ahmedabad Railway Station Auto Rickshaw Drivers Union have prayed to quash and set aside the decision of the order dated 12.03.2021 not to grant a separate relief package for the auto-rickshaw drivers in view of the Atma Nirbhar Gujarat Sahay Yojna. The

petitioners have also prayed to pass appropriate orders for specific and reasonable financial assistance to the members of the petitioners' Association/Union for the period of lockdown and thereafter for the survival of their families in view of Section 12 of the Disaster Management Act, 2005.

3. It is sought to be submitted by the learned Advocate Mr. K R Koshti appearing for the petitioners that the members of the petitioners who are surviving on their income from driving auto rickshaw have suffered huge financial losses due to lockdown declared by the State in view of the Covid-19 Pandemic, however the State has not granted any specific reliefs or facilities to the persons who are working as unorganized or self employed workers. According to him, Section 12 and 13 of the Disaster Management Act have laid down the guidelines for granting minimum standard of relief to be provided to the persons affected by the disasters like Covid Pandemic and the same have been refused by the respondent No. 3 Ahmedabad Municipal Corporation on the ground that the Government has already declared the Atma Nirbhar Gujarat Sahay Yojna. According to Mr. Koshti, the auto rickshaw drivers should have been treated as self-dependent persons and should have been given special relief package by providing financial assistance under the provisions contained in the Disaster Management Act.
4. It cannot be gainsaid that the rigour of Covid Pandemic had affected the lives and livelihood of people world over and has caused great financial losses to every sector of the society. It can also not be denied that the State Government considering the plight of the people at large has provided reliefs in terms

of free food, medical cover and shelter, etc. from time to time and has also granted ex-gratia assistance on account of loss of livelihood. The State Government has also declared the Atma Nirbhar Gujarat Sahay Yojna for the persons affected by Covid-19 Pandemic. Under the circumstances, the petitioners cannot claim as a matter of right to get financial assistance or monetary benefits for auto rickshaw drivers, more particularly when all the businesses and professions have been badly affected due to the Pandemic. Even otherwise, as per the settled legal position, the wisdom and advisability of the policies are ordinarily not amenable to the judicial review, unless the policies are contrary to statutory or constitutional provisions or are arbitrary. In absence of any violation of legal, statutory or fundamental rights of the petitioners, the petition could not be entertained.

5. In that view of the matter, the petition being devoid of merits is dismissed.

(BELA M. TRIVEDI, J)

SINDHU NAIR

(BHARGAV D. KARIA, J)