

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE ASHOK MENON

MONDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHAM, 1942

WP(C).TEMP.No. 150 OF 2020

PETITIONER/S :

ADV. DEAN KURIAKOSE,
AGED 37 YEARS, S/O A.M. KURIAKOSE,
ANANICKEL (H), PAINGOTTUR. P.O,
KULAPPURAM, KOTHAMANGALAM TALUK,
ERNAKULAM DISTRICT,
PIN-686671.

BY ADVS.

Sri Renjith B.Marar
Smt.Lakshmi N.Kaimal
Sri.U.Jayakrishnan
Smt. Surabhi Santosh

RESPONDENT/S :

- 1 UNION OF INDIA,
REPRESENTED BY SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS,
SOUTH BLOCK, NEW DELHI - 110 001.
- 2 MINISTRY OF CIVIL AVIATION,
REPRESENTED BY SECRETARY,
RAJIV GANDHI BHAWAN, BLOCK B,
NEW SAFDARJUNG AIRPORT AREA, SATYA SADAN,
NEW DELHI - 110 003.
- 3 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA - 695 001.

OTHER PRESENT:

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC
SRI. BIMAL K.NATH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON 05.05.2020 ALONG WITH WPC TEMP NO.61/2020 & CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR. JUSTICE ASHOK MENON

MONDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHAM, 1942

WP(C).TEMP NO. 61 OF 2020

PETITIONER/S:

- 1 IBRAHIM ELETTIL,
AGED 62 YEARS, S/O.ABDURAHMAN,
PRESIDENT, DUBAI KMCC, CHOLAYIL, KIZHAKKOTH,
ELETTIL - KOZHIKODE, KERALA.
- 2 AFI UDINOOR PAKRUMADE CHERIYA,
AGED 44 YEARS, S/O.AHAMMED HAJI,
MANAGING DIRECTOR OF M/S SMART TRAVEL LLC,
PADNE HOUSE, THAYINERI, PAYYANNUR P.O.,
KANNUR DISTRICT, KERALA.

BY ADVS.
Sri. Haris Beeran
Smt.Nuriya O.A.

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF EXTERNAL AFFAIRS, SOUTH BLOCK,
NEW DELHI - 110 001.
- 2 MINISTRY OF CIVIL AVIATION,
REPRESENTED BY ITS SECRETARY,
RAJIV GANDHI BHAVAN, BLOCK B,
NEW SAFDARJUNG AIRPORT AREA,

SATYASADAN, NEW DELHI - 110 003.

3 STATE OF KERALA,
REPRESENTED BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
KERALA, PIN - 695 001.

OTHER PRESENT:

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC
SRI. BIMAL K.NATH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
05.05.2020 ALONG WITH WPC TEMP NO.150/2020 & CONNECTED CASES, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE ASHOK MENON

MONDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHAM, 1942

WP(C).TEMP NO. 64 OF 2020

PETITIONER/S:

- 1 P.P. SUNEER,
AGED 51, S/O P.P. ABOO BACKER,
MATAYAPPARAMBIL HOUSE, CHANGARAMKULAM P.O.,
MALAPPURAM DISTRICT.
- 2 MEETHALA KARUVALODI BABU,
AGED 64, S/O KUNHIKRISHNAN ADIYODI,
P.O. BOX NO. 2314, ABUDHABI, UAE,
PERMANENT ADDRESS: REVEIRA GARDEN,
CHORODE EAST P.O., VATAKARA,
KOZHIKODE DISTRICT, PIN - 673016.

BY Adv.Thulasi K. Raj

RESPONDENT/S:

- 1 UNION OF INDIA,
REPRESENTED BY SECRETARY TO THE MINISTRY OF
EXTERNAL AFFAIRS, SOUTH BOCK, RAISINA HILLS,
NEW DELHI - 110011.
- 2 SECRETARY TO THE MINISTRY OF HEALTH AND

FAMILY WELFARE, GOVERNMENT OF INDIA,
NEAR UDYOG BHAWAN, METRO STATION,
MAULANA AZAD RD, NEW DELHI - 110011.

- 3 SECRETARY TO THE MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA, NORTH BLOCK,
NEW DELHI - 110001, INDIA.
- 4 STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE DEPARTMENT
OF NON-RESIDENT KERALITES' AFFAIRS SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 5 NORKA-ROOTS,
REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER,
NORKA CENTER, NORKA ROOTS, NEAR GOVERNMENT GUEST
HOUSE THYCAUD, THIRUVANANTHAPURAM - 695 014.

OTHER PRESENT:

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC
SRI. BIMAL K.NATH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON
05.05.2020 ALONG WITH WPC TEMP NO.150/2020 & CONNECTED CASES, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR. JUSTICE ASHOK MENON

MONDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHAM, 1942

WP(C).TEMP NO. 67 OF 2020

PETITIONER/S:

A.E. ABDUL KALAM,
AGED 49, ADVOCATE, S/O A.A. EBRAHIM
AYYAMBRATH HOUSE, PALLILAMKARA,
HMT COLONY P.O, KALAMASSERY - 683 503.

BY ADVS.
Sri. M.K. Aboobacker
Sri. D.M. Nowfal

RESPONDENT/S:

- 1 THE UNION OF INDIA
REP. BY SECRETARY, MINISTRY OF EXTERNAL AFFAIRS,
CENTRAL SECRETARIAT, NEW DELHI - 110001.
- 2 THE STATE OF KERALA
REP. BY THE CHIEF SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM - 695001.

OTHER PRESENT:

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC
SRI. BIMAL K.NATH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON 05.05.2020
ALONG WITH WPC TEMP NO.150/2020 & CONNECTED CASES, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

&

THE HONOURABLE MR.JUSTICE ASHOK MENON

MONDAY, THE 5TH DAY OF MAY, 2020 / 15TH VAISAKHAM, 1942

WP(C).TEMP NO. 88 OF 2020

PETITIONER/S:

K.S. HAMZA,
AGED 54 YEARS, S/O. SYED ALAVI,
KARUPPAN VEETIL, THOZHIPADAM P.O., CHELAKARA,
VADAKKENCHARRY, THRISSUR DISTRICT, PIN-679 531.

BY Adv.Sri S.Krishnamoorthy

RESPONDENT/S:

- 1 THE STATE OF KERALA,
REP.BY THECHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY,
MINISTRY OF HEALTH & FAMILY WELFARE,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 UNION OF INDIA,
REP.BY ITS SECRETARY, MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI - 110 001.
- 4 MINISTRY OF EXTERNAL AFFAIRS,
REP. BY ITS SECRETARY, SOUTH BLOCK,
NEHRU BHAVAN, NEW DELHI - 110 001.
- 5 MINISTRY OF CIVIL AVIATION,

REP.BY ITS SECRETARY, RAJIV GANDHI BHAWAN,
BLOCK B, SAFDARJUNG AIRPORT AREA, SATYA SADA,
NEW DELHI - 110 003.

6 NATIONAL DISASTER MANAGEMENT AUTHORITY,
REP.BY ITS MEMBER SECRETARY, NDMA BHAVAN,
A1 SAFDURNJ ENCLAVE, NEW DELHI - 110 029.

OTHER PRESENT:

SRI. RANJITH THAMPAN, ADDL.AG
SRI. SUVIN R.MENON, CGC
SRI. BIMAL K.NATH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ORDERS ON 05.05.2020
ALONG WITH WPC TEMP NO.150/2020 & CONNECTED CASES, THE COURT ON THE
SAME DAY PASSED THE FOLLOWING:

O R D E R

Shaji P.Chaly, J.

These Writ Petitions are filed by the petitioners complaining the inaction on the part of the Central Government in repatriating the Indian expatriates stranded in Gulf countries, due to the pandemic, COVID-19. Earlier, the learned Advocate General was directed to file a statement before this Court as to the steps taken by the State Government on the repatriation of the expatriates from Gulf countries. The learned Additional Advocate General submitted that in fact the case was posted to 08.05.2020 and therefore he could not complete the statement, and it would be filed within one or two days and requested for a posting on 08.05.2020. The learned Central Government Counsel, Sri.Suvin R.Menon, submitted that consequent to the directions issued in the Writ Petitions with regard to the welfare and well-being of the Nurses in the Gulf countries, sufficient steps were taken and necessary assistance are being provided to them, medically

as well as otherwise. The learned Counsel appearing for the petitioners also submitted that the State Government may give preference for pregnant women, senior citizens and persons afflicted with other non communicable diseases in the matter of repatriation.

These are all matters to be taken care of by the Central as well as the State Governments, and report before this Court along with the necessary steps taken by the Central and State Governments regarding the repatriation of the expatriates. Without securing the statements of the respective Governments, this Court would not be in a position to pass appropriate orders with respect to that. The learned Counsel for the petitioner in one of the Writ Petitions submitted that at present the Central Government is intending to operate flights from Gulf Countries for repatriation and points out that many of the Foreign Airlines are prepared to operate for transportation of the Indian expatriates. This also is a matter which is to be looked into by the Central Government and to take decisions and issue advisories in accordance with that. Therefore,

it is directed that the State Government shall take into account the advisories issued by the Central Government with respect to the repatriation of the expatriates and their accommodation in the State and appropriate report in that regard also shall be placed along with the statement before this Court. It is also informed that various advisories are issued by the Central Government with respect to the repatriation of the expatriates. This is recorded.

For the statements/affidavits of the State as well as the Central Governments, post on 08.05.2020.

SHAJI P. CHALY
Judge

ASHOK MENON
Judge