

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4137 of 2024**

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PEOPLES TRAINING AND RESEARCH CENTRE & ORS.

Versus

THE STATE OF GUJARAT & ORS.

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Appearance:

MR. VEDANT RAJGURU WITH MR. MEHUL DHONDE FOR MR AJ
YAGNIK(1372) for the Petitioner(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,3,4,5,6,7,8,9

MR. KAMAL TRIVEDI, AG WITH MR. VINAY VISHEN, AGP WITH MS.

HETAL PATEL, AGP the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No.

10,11,12,13,14,15,16,17,18,19,20

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA**AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY**Date : 12/01/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

By means of the affidavit dated 08.01.2026 of the Secretary, Labour, Skill Development & Employment Department, Government of Gujarat, it is brought on record that the Government Resolution dated 07.01.2026 has been passed promulgating policy of granting one time assistance to the tune of Rs. 3,00,000/- to the Silicosis affected persons, as *ex gratia* payment. Besides that, a decision has been taken to provide facilities of free diagnosis and free medical treatment to all the Silicosis affected persons in the State without there being any cap or upper limit. Instructions by way of the communication dated 02.01.2026 has been issued to all the

concerned authorities so as to make sure that all Silicosis affected persons in the State get facility for diagnosis and medical treatment in all the government clinics/hospitals at all the levels located in the State, as well as in the District Hospitals and all the Medical Colleges run by the Gujarat Medical Education and Research Society.

2. On the submissions of the learned Advocate General that due care has been taken by the State for providing financial support to the Silicosis affected persons during their life time, the learned counsel for the petitioner has invited attention of the Court to the policies framed by the other States such as the State of Haryana for rehabilitation of Silicosis affected persons.

3. Pertinent is to note that Silicosis is a form of occupational lung disease caused by inhalation of crystalline silica dust, and is marked by inflammation and scarring in the form of nodula lesions in the lobes of lungs and is categorised as a type of pneumoconiosis. Symptoms of Silicosis may be associated with Tuberculosis, Shortness of breath, Fatigue, Loss of appetite (Anorexia), Chest pain; dry with non-productive cough (Whooping Cough), Respiratory failure and eventually leading to death. Silicosis is an incurable lung disease which may occur at the Silicosis prone workplaces, i.e. factories such as Stone Crushers, Coal Fired Thermal Power Plants, Construction Sites and Mines. Most of the Silicosis affected persons belong to unorganised labour sector.

4. It is pointed out from the policy framed by the State of Haryana appended with the writ petition that not only the financial assistance in the shape of *ex gratia* payment and medical treatment has been provided to the Silicosis affected people, rather there is a

provision for Silicosis rehabilitation pension, family pension, financial assistance for education, financial assistance for the occasion of marriage or daughter and son etc.. The contention is that separate corpus has been provided for all the welfare scheme to execute a policy of rehabilitation of not only Silicosis affected persons but to provide basic needed support of life to their families/children.

5. The contention is that though for the first time the policy has been framed by the State of Gujarat vide the Government Restitution dated 07.01.2026 for providing medical support to the Silicosis affected people during their life time alongwith *ex gratia* payment, but there is absolutely no other support provided for the family and children of Silicosis affected people. The contention is that the Silicosis affected people may fall in different categories such as permanently disabled or having dis-functional limbs so that they are not in a position to earn their livelihood. For the loss of livelihood of such permanently or partially disabled Silicosis affected persons, their family and children suffer, who also belong to marginalized sections of the society being dependents of labours working in unorganized sector of the State.

6. The contention is that a deliberation is required to be made at the ends of the State Government to provide necessary support for Silicosis affected people, who are mostly migrant labourers coming from the neighboring States, such as Madhya Pradesh and Rajasthan. On these submissions, the learned Advocate General appearing for the respondent State prays for and is granted time to bring the decision of the State Government.

7. Before parting with this order, we may record from the

communication dated 02.01.2026 brought on record of the aforesaid affidavit, that for the purpose of getting through diagnose and treatment, the affected person has to file application, which may be filed before two officers; (i) Offices under the Labour Commissionerate (LC)-Labour Wing; (ii) Offices under the Director of Industrial Safety and Health (DISH)-DISH Wing. Either of the offices is authorised to receive the application and, in case, the application is received in the office under DISH wing, the competent officer will scrutinize the medical documents submitted by the applicant and after satisfying themselves that the applicant is suffering from Silicosis, they will fill the form Part-1 and forward the same to the Labour wing for further process. The office under the Labour wing on receipt of the application from DISH wing, will further inquire whether the applicant is unorganised worker/self-employed. After verification, the concerned officer will fill Part-2 of the Form and will forward the complete application to the Gujarat Rural Workers' Welfare Board, Gandhinagar for initiating the payment. If the application is submitted at the Labour wing, the inquiry is required to be made about the status of the applicant being unorganised worker/self-employed and the competent officer will fill the part-2 form and forward the application to DISH wing for further process to scrutinize the medical documents to ascertain as to whether the applicant is suffering from Silicosis. In any case, both the offices will have to duly process the application and forward it to the Gujarat Workers' Welfare Board, Gandhinagar for initiating the payment.

8. Thus, to seek the approval in the matter of extension of free diagnose and free medical treatment to all the Silicosis affected persons in the State, the above noted procedure is required to be followed. We may also note that in view of the statement made in

paragraph No. '4' of the aforesaid affidavit that all Silicosis affected persons in the State will get facility for diagnosis and medical treatment in all the Government Clinics at all the levels located in the State as well as District Hospitals and all the colleges run by the GMERS once the procedure for filling of the application is completed. We may also record that there will be no restriction about the time period for applying for treatment. In other words, none of the applications filed by the Silicosis affected persons can be rejected on the ground of delay in approaching the competent authorities.

9. We, therefore, provide that in order to effectively implement the policy for rehabilitation of Silicosis affected people by providing financial and medical assistance to the dependents of the deceased Silicosis affected persons, there is a need for due publication of the policies in the entire State, for which effective steps are to be taken at the ends of the competent authority.

10. To bring the response of the respondents on the above noted issues, the matter is next posted on 16.02.2026 at 12.30 p.m.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI