

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.14589 of 2021

***In Re: Deaths of Sanitation
Workers***

....

Petitioner

Mrs. Pami Rath, Amicus Curiae
Mr. B.P. Tripathy, Amicus Curiae

-versus-

Chief Secretary and others

....

Opposite Parties

Mr. P.K. Muduli, Additional Government Advocate
Mr. Debasis Nayak, Advocate for Opposite Party (CMC)
Mr. B.P. Pradhan, Advocate for Contractor Deepak Nayak

**CORAM:
THE CHIEF JUSTICE
JUSTICE A. K. MOHAPATRA**

**ORDER
04.12.2021**

Order No.

08. 1. Mr. P.K. Muduli, learned Additional Government Advocate placed before the Court a letter dated 29th November, 2021 of the Commissioner for Employee's Compensation-cum-Joint Labour Commissioner Range, in compliance with the order dated 30th October, 2021, stating therein that the dependant/family members of the two sanitation workers, viz., late Sunaram Sardar and late Sulabu Birua have been paid their respective amounts out of the Rs.21,62,278/- deposited by the Insurance Company in Mumbai. The said letter is taken on record.

2. The Amicus Curiae has placed before this Court a photograph taken on 20th November, 2021 showing that sewer cleaning work was underway on the Puri Beach Road near Vithal Kamat's Restaurant, from which it is apparent that the persons made to do sewer cleaning work were not wearing any protective gear and no equipment was being used.

3. Mr. Muduli, learned Additional Government Advocate will arrange to have copy of the said photograph sent to the Collector, Puri and call for an explanation as to how this is still being permitted. The Collector Puri will inform the Court by way of an affidavit to be filed by the next date whether there is awareness among the local population of the binding provisions of Prevention of Employment of Manual Scavengers and their Rehabilitation Act, 2013 ('PEMSR Act') as well as the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (EMSCDLP Act).

4. Mr. B.P. Tripathy, learned Amicus Curiae draws the attention of this Court to para 16 of the order dated 19th April, 2021 in which direction was issued to the State Government to file a separate affidavit before the next date regarding the steps taken by it for implementation in letter and spirit of the PEMSAR Act, 2013 and the EMSCDLP Act, 1993 and the Rules thereunder.

5. The above direction is reiterated. The affidavit of the State Government in compliance with the direction shall be filed at least one week prior to the next date.

6. Mr. B.P. Pradhan, Advocate appearing for Mr. Deepak Kumar Nayak the concerned Contractor as far as Cuttack incident is concerned, has filed an affidavit today, which is taken on record. Copy of the said affidavit be served on learned Amicus Curiae as well as counsel for the State Government and all other parties in the next three days.

7. List on 20th January, 2022 at 2.00 P.M.

(Dr. S. Muralidhar)
Chief Justice

(A. K. Mohapatra)
Judge



U.K.Sahoo