

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No.14589 of 2021

In Re Death of Sanitation Workers *Petitioner*

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

-versus-

Chief Secretary and Others *Opposite Parties*

Mr. M.S. Sahoo
Additional Government Advocate
Mr. Partha Sarathi Nayak, Advocate
For Opposite Party-LC Infra Project Pvt. Ltd.

CORAM:
THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO

ORDER
31.05.2021

Order No.

04. 1. This matter is taken up by video conferencing mode, in the Vacation Court.
2. The service report indicates that Mr. Deepak Nayak could not be served. Fresh notice be issued to him Dasti with the assistance, if need be, of the SHO of the local police station.
3. Two detailed notes have been submitted by Mrs. Pami Rath, learned Amicus Curiae (AC). One is regarding the replies filed by the Opposite Parties which according to her do not address certain key issues that she has highlighted therein. The other note pertains to the implementation of the provisions of the statues which are referred to by this Court in its order dated 19th April, 2021.

4. Copies of the two notes be provided to learned counsel for the Opposite Parties. The State of Odisha, the Cuttack Municipal Corporation (CMC) and the Bhubaneswar Municipal Corporation (BMC) will file further separate additional affidavit addressing the issues raised in the aforementioned two detailed notes of the AC.

5. In view of the averments in the affidavits filed thus far by the opposite Parties, the Court directs that Water Corporation of Odisha (WATCO) through its Managing Director, Ground Floor, Unnati Bhawan, Satya Nagar, Bhubaneswar-751007 be impleaded as Opposite Party. Notice be issued to the newly added Opposite Party (WATCO) by registered Speed Post returnable by the next date. The tracking report be placed on record by the next date. WATCO will file an affidavit before the next date specific to the issue of disbursement of compensation to the families of the victims in the two incidents, one at Bhubaneswar and the other in Cuttack enclosing copies of the receipts as proof of payment.

6. Mrs. Rath, learned AC informs the Court that there has been one more incident involving the death of two sanitation workers in Kandhamal district today. She is permitted to bring the facts in regard thereto on record by way of an appropriate application for directions.

7. Mr. Tripathy, learned AC informs the Court that as regards the victims in the Bhubaneswar incident, the stand taken by the BMC is that the two victims were not sanitation workers since they were involved in construction of the sewage tank and not its cleaning, and therefore, would not be covered by the order of the Supreme

Court. He refers to para 4 of the affidavit filed by Hadibandhu Behera, Engineer-in-Chief, Public Health Engineering Organization, Housing & Urban Development Department on behalf of Opposite Party Nos.1 to 4 in this regard.

8. Ms. Rath learned AC contends that this stand of the Opposite Parties may not be tenable under the PEMSR Act 2013 and the Rules framed thereunder. This is yet another issue to be considered by this Court on the next date.

9. List on 6th July, 2021.

10. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(Savitri Ratho)
Judge