

IN THE HIGH COURT OF ORISSA AT CUTTACK

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

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

.... ***Petitioner***

Ms. Pami Rath, Amicus Curiae

Mr. B.P. Tripathy, Amicus Curiae

-versus-

Chief Secretary and others

.... ***Opposite Parties***

Mr. P.K. Muduli, AGA

Mr. D. Nayak, Advocate for CMC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

ORDER

10.03.2022

Order No.

10.

1. An affidavit has been filed by Sri Dipak Kumar Nayak who is said to be the Contractor who engaged the two sanitation workers who died in the tragic incident at CDA, Cuttack on 15th April, 2021. In the said affidavit dated 4th December, 2021 Sri Nayak has said that the contract with him was not renewed by WATCO after 31st March, 2021. He has categorically stated that he has “neither executed any agreement with WATCO nor has received any work order pursuant to the tender call notice dated 12th March, 2021. There was also no communication for the said tender issuing authority till 15th April, 2021 declaring that the bid is L1 bid. From the aforesaid fact, it is well settled that from 31st March, 2021 the present applicant was not working under the WATCO.”

2. It must noted here that a joint enquiry report dated 15th April, 2021 authored by the Deputy Commissioner, Cuttack

Municipal Corporation, Cuttack and the Additional Tahasildar, Barang Tahasil it was stated: “as stated by J.E. Sri Sahoo the service provider Sri Dipak Kumar Nayak was authorized to work from 01.04.2021 to 30.06.2021 vide Office Order dated 31st March, 2021 by the General Manager, WATCO Division, Cuttack (Cent.)”.

3. Clearly therefore there is a dispute as to whether Sri Nayak was in fact authorized to undertake the work for the aforementioned period.

4. Learned counsel appearing for the WATCO states that he will file an affidavit specific to the above aspect enclosing the relevant documents.

5. The affidavit be filed not later than 18th April, 2022 with an advance copy to the Amicus Curiae and learned counsel for other parties. It will be open to Sri Nayak to file a response thereto before the next date.

6. List on 5th May, 2022.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge