

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 3028 of 2014**

**Registrar (Judicial), Orissa High Court, Cuttack** .... **Appellant**

None

*-versus-*

**State of Odisha and others** .... **Respondents**

Mr. Ishwar Mohanty, ASC  
Mr. Manoj Kumar Mishra, Senior Advocate for OP No.5  
Mr. S.K. Padhi, Senior Advocate for OP No.20  
Mr. D.P. Nanda, Senior Advocate for OP No.59  
Mr. Sidheswar Mohanty, Advocate for OP No.30, 53  
Mr. Satyajit Mohanty, Advocate for OP No.34  
Mr. T.K. Patanaik, Advocate for OP No.46  
Mr. K.P. Nanda, Advocate for OP No.6  
Mr. B.S. Tripathy-1, Advocate for OP No.3  
Mr. S.P. Sarangi, Advocate for OP No.15, 17, 37, 42, 49, 54, 60  
& 61  
Ms. Sadayalaxmi Patanaik, Advocate for OP No.4 & 33  
Mr. Banoj Kumar Patanaik, Advocate for OP No.24  
Mr. N.K. Mishra, Senior Advocate for OP No.19  
Mr. Aditya Narayan Das, Advocate for OP No.51  
Mr. Prashanta Kumar Nayak, Advocate for OP No.58

**CORAM:  
THE CHIEF JUSTICE  
JUSTICE CHITTARANJAN DASH**

**Order No.**

**ORDER  
08.09.2022**

08. 1. The present petition was registered in this Court pursuant to the Judgment dated 31<sup>st</sup> January, 2014 of the Supreme Court of India in

Writ Petition Civil No.79 of 2005 (*Occupational Health and Safety Association v. Union of India*).

2. The issue involved in the said writ petition was regarding the health hazards faced by the workers in the Coal Fired Thermal Power Plants (CFTPPs) operating in different States in the country. It was pointed out that although a plethora of legislation including labour welfare laws were in place, there was poor implementation of the measures contained therein. It was pointed out that several of the workers in the CFTPPs were suffering from lung function abnormalities, skin diseases, asthma, pulmonary function test abnormalities and so on.

3. A report had been called for by the Supreme Court from the National Institute of Occupational Health (NIOH). That report was submitted by the NIOH after studying the working of the CFTPPs in 2011. Among the states identified as having functional CFTPPs, Orissa was 1. By the said Judgment dated 31<sup>st</sup> January, 2014, the Supreme Court asked the Secretary General of the Supreme Court to make available to the Registrar Generals (RGs) of the High Courts of the various states, a copy of the report of the NIOH to enable the High Courts to examine the issues projected in the judgment independently, “after calling for reports about the CFTPPs functioning in the respective States”.

4. In the order dated 10<sup>th</sup> December 2014, this Court proposed a comprehensive scrutiny to be undertaken and requested the State-Opposite Party to assist in the process of “identifying and

cataloguing the issues on priority basis”. However, it appears that thereafter the petition was not listed and it has come up in its own turn only today.

5. It must be noted here that as many as sixty-one industries having CFTPPs in Orissa, have been identified and have been arrayed as parties to the present petition. Some of them have filed affidavits before this Court. These include NALCO (Opposite Party No.36), Visa Steel Ltd. (Opposite Party No.11), Jindal Stainless Ltd. (Opposite Party No.24), Maithan Ispat Ltd. (Opposite Party No.19) and NTPC Ltd. (Opposite Party No.54).

6. The Court would like the State Government to file a comprehensive affidavit regarding the steps which it proposes to take in the first instance:

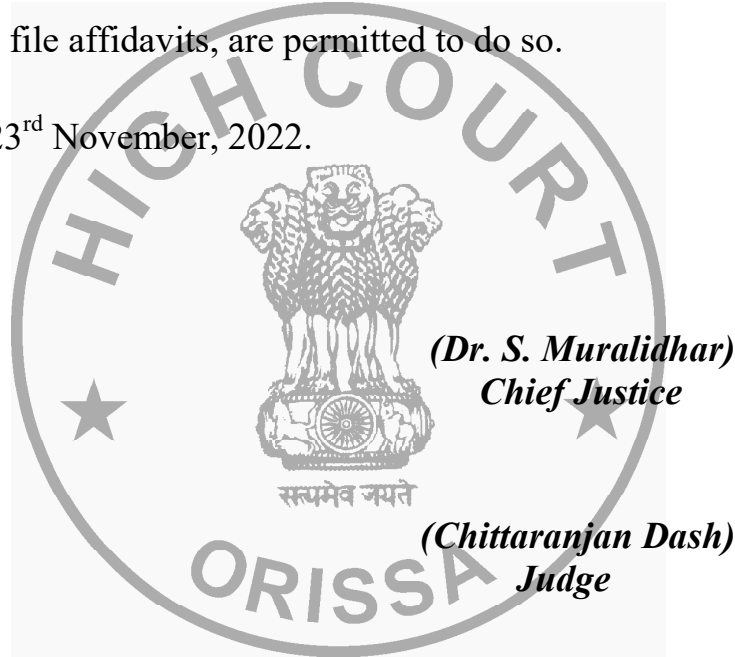
- To undertake a survey of all the CFTPPs in the State of Orissa to address the issues highlighted in the report of the NIOH.
- To identify workers in any of the CFTPPs who are suffering from any of the health hazards highlighted in the report of the NIOH and prepare a comprehensive list industry-wise of such purpose.
- To explore the possibility of setting up an independent mechanism which can adjudicate the claims of such worker for appropriate reliefs in accordance with law.

7. The Court expects the State Government to undertake the above exercise within the framework of the existing laws including the labour and environmental laws.

8. The comprehensive affidavit with proposals of the State Government be filed within a period of six weeks from today and, in any event, not later than 1<sup>st</sup> November, 2022 with an advance copy to the learned counsel for the parties.

9. Mr. Manoj Kumar Mishra, learned Senior Advocate for the NIOH is permitted to collect a soft copy of the entire paper book on a pen drive from the Registry. All other counsels are also permitted likewise. In the meanwhile, any of the Opposite Party companies, who want to file affidavits, are permitted to do so.

10. List on 23<sup>rd</sup> November, 2022.



S. Behera