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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 13304/2022

COURT ON ITS OWN MOTION

..... Petitioner

Through: Mr. Rajsekhar Rao, Senior Advocate
(*Amicus Curiae*) with Ms. Mansi
Sood, Mr. Areeb Amanullah,
Dr.Misha Kumar, Advocates

versus

MUNICIPAL CORPORATION OF DELHI AND ORS

.... Respondents

Through: Mr. Ajjay Arorra, Standing Counsel
for MCD with Mr. Kapil Dutta,
Advocate

Mr. Santosh Kumar Tripathi,
Standing Counsel for GNCTD with
Mr.Arun Panwar, Mr. Pradeep,
Mr.Pradyumn Rao, Mr. Mahak
Rankawat, Advocates

Mr. Anurag Ahluwalia, CGSC with
Mr.Danish Faraz Khan, Advocate

Ms. Shobhana Takiar, Standing
Counsel for DDA

Inspector Sachin Kumar, SI Dalbir
Singh, PS Mundka

Mr. Ashish Kumar, Ms. Malvi
Balyan, Advocates for Ms. Sangeeta
Bharti, SC for DJB

CORAM:

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER
06.10.2022**

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1. A compliance report has been filed by the DDA. In the compliance report, it is stated that an inquiry has been conducted in the case and it reveals that on the fateful day, at 1:53 PM, a call was received by Mr. Anurag Yadav, Assistant Engineer (AE) from a person claiming to be a resident of the area who was complaining regarding a problem about a manhole. It is stated that Mr. Anurag Yadav, AE requested Mr. Afzal Husain, AE to look into the case as he had executed sewer related work earlier. Mr. Afzal Husain, AE in turn telephonically called Mr. Ashok Gulia, the security guard available at the site, to understand the nature of complaint. The inquiry further reveals that another security guard, Mr. Amardeep, saw Mr. Ashok Gulia, was getting the manhole being cleaned by a daily wager named Mr. Rohit. Mr. Ashok Gulia and Mr. Rohit passed away during the cleaning of the manhole.

2. The sum and substance of the Status Report is that the security guard, Mr. Ashok Gulia, had taken the decision to clean the sewer on his own without understanding the seriousness of the situation. The Status Report, therefore, puts the blame on Mr. Ashok Gulia and Mr. Rohit, who undertook the work without understanding the criticality of the situation and the accident occurred because of their negligence. The Status Report also observes that considering that the deceased were the earning members of their family, an immediate relief of compensation should be given to the dependents of both the deceased.

3. It is really unfortunate that even after 75 years of Independence poor

people are being forced to work as manual scavengers and the Statutory provisions as contained under the Prohibition of Employment as Manual Scavenger and their Rehabilitation Act, 2013 and the Rules framed thereunder are not being followed.

4. The law on this aspect has already been crystallized by the judgment passed by the Hon'ble Supreme Court in Safai Karamchhari Andolan & Ors. v. Union of India & Ors., (2014) 11 SCC 224.

5. As the DDA has already resolved to pay compensation. Keeping in view the Statutory provisions and the judgment passed by the Hon'ble Supreme Court, at the first instance, the DDA is directed to pay a sum of Rs.10,00,000/- each to the family of late Mr. Ashok Gulia and late Mr. Rohit, and also to consider the claim for grant of compassionate appointment in terms of the Statutory provisions and the judgment passed by the Hon'ble Supreme Court.

6. The decision in respect of grant of compassionate appointment be communicated to this Court within a period of 30 days from today. It is made clear that in case the order passed by this Court is not complied with within the said time period, Vice-Chairman, DDA shall remain present on the next date of hearing.

7. List on 14.11.2022.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

OCTOBER 06, 2022

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