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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 and Dr.
M. 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 and Mr. Mahak
Rankawat, Advocates.

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

Ms. Shobhana Takiar, Standing
Counsel for DDA.

Ms. Sangeeta Bharti, Standing
Counsel for DJB with Ms. Malvi
Balyan and Mr. Harsh Bahadur,
Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

14.11.2022

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1. The present case has been taken up by this Court on its own motion on account of an unfortunate incident that had taken place which resulted in the death of two persons who were attempting to clean sewer blockage at Pocket-D, Lok Nayak Puram, Bakkarwala, Delhi.
2. Notices were issued in the matter on 12.09.2022 to Municipal Corporation of Delhi (MCD), Chief Secretary, GNCTD and Delhi Jal Board (DJB). The matter was thereafter listed on 21.09.2022.
3. On 21.09.2022, learned Counsel appearing for the Delhi Jal Board (DJB), on instructions, categorically stated that DJB was not liable to pay any compensation in the matter. This Court was informed that the site in question was occupied by DDA and that one of the victims was also an employee of DDA. Accordingly, notice was issued to DDA on 21.09.2022. On 27.09.2022, learned Counsel appearing for the DDA sought some time to obtain instructions in the matter and the matter was thereafter listed on 06.10.2022.
4. On 06.10.2022, the learned Counsel appearing for DDA informed this Court that an inquiry had been conducted in the matter, and a detailed compliance report had also been filed by the DDA.
5. The compliance report filed by the DDA includes a statement observing that the deceased persons were the sole earning members of their family and that an immediate relief of compensation should be given to the dependents of both the deceased persons.
6. Consequently, taking into account the compliance report filed by the DDA, the statutory provisions governing this field as well as the Judgment passed by the Hon'ble Supreme Court in Safai Karamchari Andolan & Ors. vs. Union of India & Ors, (2014) 11 SCC 224, this Court, by way of interim

Order dated 06.10.2022, directed the DDA to pay a sum of Rs.10,00,000/- each to the family of the deceased persons, i.e. late Mr. Ashok Gulia and late Mr. Rohit. This Court further directed DDA to consider the claim for grant of compassionate appointment to the families of the deceased persons. This Court also observed that the decision in respect of grant of compassionate appointment be communicated to this Court within a period of 30 days, and in the event of non-compliance of the Order passed by this Court, the Vice-Chairman, DDA was directed to be present in Court on the next date of hearing, i.e. today..

7. The DDA has not filed any documents after the Order dated 06.10.2022 was passed by this Court. It is an admitted fact that till date, the compensation amount of Rs.10,00,000/- that was to be given to the family of both deceased persons has not been paid by the DDA. The Vice-Chairman, DDA, is also not present today for reasons best known to him. There is also no application filed for his exemption for personal appearance in the matter. The apathy exhibited by DDA, in the instant matter, is egregious in the opinion of this Court.

8. In view of the above, the Vice-Chairman, DDA, is directed to be present in Court tomorrow as well as to file an affidavit keeping in view the Order dated 06.10.2022 passed by this Court.

9. List on 15.11.2022.

SATISH CHANDRA SHARMA, CJ

SUBRAMONIUM PRASAD, J

NOVEMBER 14, 2022

S. Zakir/RR