

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/WRIT PETITION (PIL) NO. 225 of 2016
With
CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2023
In R/WRIT PETITION (PIL) NO. 225 of 2016**

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MANAV GARIMA

Versus

STATE OF GUJARAT & 5 other(s)

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Appearance:

MR PANKAJ P ZAMPADIA(13484) for the Applicant(s) No. 1

MR SUBRAMANIAM IYER(2104) for the Applicant(s) No. 1

MR UTKARSH SHARMA, AGP for the Opponent(s) No. 1,4

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL
and
HONOURABLE MR. JUSTICE ANIRUDDHA P.
MAYEE**

Date : 03/01/2024

**ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MRS.
JUSTICE SUNITA AGARWAL)**

1. From a perusal of the record, it is evident that dependents of 16 deceased sanitation workers were included in the list of deceased workers between 1993 and 2014, list of which is attached at page

1235 of the paper-book *i.e.*, along with the original writ petition. A categorical statement has been made by the petitioner in the additional affidavit dated 23.10.2023 that dependents of 16 deceased sanitation workers, as per the aforesaid list, have not been paid compensation as yet. No explanation is forthcoming in any of the affidavits filed on behalf of the State respondents about non-payment of compensation to the dependents of these 16 deceased sanitation workers who had died during manual scavenging. The Principal Secretary, Urban Development and Urban Housing Department, State of Gujarat is directed to file his personal affidavit explaining the reasons for non-payment of compensation to the dependents of 16 deceased sanitation workers, whose names are included in the list at page 123 as also at page 1235 of the paper-book.

2. We may further note that another incident of death of one person and another having suffered serious injuries had occurred on 10.11.2023 in the Bhavnagar Municipality area. First Information Report (FIR) dated 24.11.2023 has been lodged by the brother of the deceased sanitation worker. The copy of the FIR has been placed

before us during the course of hearing. We, therefore, permit the learned counsel for the petitioner to implead Bhavnagar Municipality through the Municipal Commissioner as respondent during the course of the day and file an affidavit to bring on record the details with regard to the incident occurred on 10.11.2023, after serving an advance notice to the panel counsel appearing for the Bhavnagar Municipality. The Principal Secretary, Urban Development and Urban Housing Department, State of Gujarat is further directed to submit a report with regard to the said incident, in his personal affidavit to be filed on the next date fixed under the above noted directions.

3. It is further brought to our notice that the determination of compensation to the dependents of victims who have not been paid compensation is to be made in accordance with the Apex Court's judgment dated 20.10.2023 in ***Writ Petition (Civil) No(s). 324 of 2020 (Dr. Balram Singh v. Union of India and Others)***. The concerned officer has to take note of the said decision while making payment to the dependents of any victim from the date of the said

judgment as per the directions issued by the Apex Court.

4. As prayed by Mr. Utkarsh Sharma, learned Assistant Government Pleader for the State respondents, the matter is posted on **18th January 2024**.

[Sunita Agarwal, CJ.]

[Aniruddha P. Mayee, J.]

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