

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

=====

MANAV GARIMA

Versus

STATE OF GUJARAT & 5 other(s)

=====

Appearance:

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

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

G H VIRK(7392) for the Opponent(s) No. 7

MS HETAL PATEL, ASST.GOVERNMENT PLEADER for the Opponent(s)
 No. 1,4

MR SIMRANJITSINGH H VIRK(11607) for the Opponent(s) No. 7

=====

CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 30/01/2024

ORAL ORDER

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

1. Along with the affidavit of the Principal Secretary, Urban Development and Urban Housing Department, a chart has been appended as Annexure-R1 to assert that the compensation dependents/heirs and legal representatives of the deceased sanitation workers, (four in number) has been disbursed after verification of the claim individually. However, for the remaining 11 sanitation workers, who had died in different incidents, the payment could not be made as the genuineness of the claim of heirs could not be ascertained

during the course of inquiry for disbursement. The facts given in tabulated form with regard to the details of compensation and the reason for non-disbursement to the heirs and deceased sanitation workers (11 in number) seemed to be incomplete. We fail to understand as to when these sanitation workers were engaged by different Corporations and Municipalities, why they cannot ascertain the dependent heirs and legal representatives of deceased workers. We do not approve the manner in which the public notice has been issued by some Municipalities/ Corporations for search of legal heirs of the deceased. The appropriate course of action for the concerned Municipalities/ Corporations was to verify from the record as to the whereabouts such as residents etc. of the deceased sanitation worker and to find out as to who are the heirs and legal representatives of the deceased workers.

2. Mr. Subramaniam Iyer, learned advocate for the petitioner may also assist the concerned Corporation in this regard. We may further note that the denial of compensation to the heirs of the deceased worker at Item No.8 of the said table, namely Ditabhai Maknabhai Bhuriya for the incident occurred on 15.04.2001 is on the premise that “ the death did not occur due to suffocation during sewer cleaning, but due to Soil caved in during excavation of new sewer line. The assertion

that the private contractor has paid Rs.1,85,000/- as compensation to the legal heirs” is not sufficient. We call upon the Chief Officer, Anand Nagarpalika to file his personal affidavit to explain as to how and in what manner, the compensation to the above noted deceased sanitation worker had been denied.

3. As regards the incident dated 10.11.2023 occurred in Bhavnagar Municipality of the death of one person named as Rajeshbhai Parshottambhai Vegad, it is stated in the affidavit of the Principal Secretary, based on the communication of the Commissioner, Bhavnagar Municipality that the compensation to the heirs and legal representatives has been paid to the deceased, namely his wife Smt. Ashaben Rajeshbhai Vegad. With regard to the other injured, namely Suresh Dhirubhai Garadia, it is stated that he had undertaken treatment of 10 days in the hospital, namely Bhavnagar Institute of Medical Sciences and has been discharged after being declared medically fit. Further contention with regard to the reasons for incident, only the report submitted by the Commissioner, Municipal Corporation Bhavnagar has been forwarded to us along with the affidavit of the Principal Secretary, Urban Development and Urban Housing Department. Admittedly, no independent inquiry has been conducted at his end.

4. We direct the Principal Secretary, Urban Development and Urban Housing Department to make an independent inquiry on consideration of the factual report submitted by the Commissioner Municipal Corporation, Bhavnagar and submit his report within period of three weeks from today, imposing the liability on the erring officials and the action proposed against them.
5. Stand over to 22.02.2024.

(SUNITA AGARWAL, CJ)

SUDHIR

(ANIRUDDHA P. MAYEE, J.)