

**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**

With

**CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2025
In R/WRIT PETITION (PIL) NO. 225 of 2016**

With

**CIVIL APPLICATION (DIRECTION) NO. 2 of 2025
In R/WRIT PETITION (PIL) NO. 225 of 2016**

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MANAV GARIMA

Versus

STATE OF GUJARAT & ORS.

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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

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

MR. KAMAL TRIVEDI, ADVOCATE GENERAL WITH MR. VINAY
BAIRAGARA, ASSISTANT GOVERNMENT PLEADER for the Opponent(s)
No. 1,4

HL PATEL ADVOCATES(2034) for the Opponent(s) No. 8

MR ABHIJIT RATHOD(12976) for the Opponent(s) No. 9

MR MEHUL H RATHOD(701) for the Opponent(s) No. 9

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**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL**

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 21/08/2026

ORAL ORDER

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

Further affidavit filed on behalf of the Ahmedabad Municipal Corporation dated 21.08.2026 is taken on record.

2. About the incident occurred on 06.07.2026 at U.N.Mehta

Institute of Cardiology and Research Center, Civil Hospital Campous, Asarva, Ahmedabad, it is submitted that the hospital premises, basement and internal drainage/gutter/sewer infrastructure are not owned, operated and maintained or controlled by the AMC. No work order, contract, permission or instruction for the cleaning operation in question was issued by the AMC. None of the workers involved in the incident was an employee of the AMC or an employee of any contractor engaged by the AMC. However, upon the incident coming to its notice, the AMC took steps to ascertain the facts and to pursue the compliance in accordance with law. The U.N.Mehta Institute in response to the letter of the Assistant Police Commissioner, Kagdapith Police Station on a report of an incident, had intimated the State Authorities that a house keeping agency had been engaged by the Institute through the Government e-Marketplace platform and as per the terms of the contract, sewer/gutter cleaning was required to be carried out by machine/jetting equipment. The Institute further stated that without its permission, authority or knowledge, the contractor, namely M/s. SMC Integrated Facility Management Solution Ltd. got the work-in-question carried out through its employees.

3. On coming to know of the said fact, the Deputy Engineer (Central Zone), AMC issued notice to the Civil Superintendent, Civil Hospital Campus, Asarva, calling for a factual report regarding the incident and the steps taken in relation to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and the applicable directions. The officers of the AMC, (Central Zone) personally visited the institute on 12.08.2026 and during the visit, the Institute produced documents regarding

financial assistance provided to the families of two deceased workers engaged by the contractor, namely M/s. SMC Integrated Facility Management Solution Ltd. The AMC further issued reminder to the Director of the Institute, requiring that compensation contemplated by the applicable direction of the Apex Court be paid to the heirs of the deceased. It came to know that payment of Rs. 5 Lakhs by the Institute has been made on 10.07.2026, Rs. 5 Lakhs by the Contractor on 10.07.2026 and Rs. 10 Lakhs by the Institute on 14.08.2026, aggregating to Rs. 30 Lakhs paid to the aunt of one of the deceased. Similarly, Rs. 20 Lakhs has been paid to the mother of another deceased.

4. The Institute has terminated the House Keeping services of the said agency and invoked the bank guarantee furnished by it. The said fact is communicated by the Institute through E-mail on 28.08.2026 addressed to the AMC.

5. However, the fact remains that the house keeping agency, namely M/s. SMC Integrated Facility Management Solution Ltd. has been empanelled at the Government Jem Portal i.e. the Government E-marketplace platform from where it has been engaged by the U.N.Mehta Institute. There is nothing on record as to whether any proceeding for blacklisting of the contractor, who has acted in sheer violation of the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 resulting into death of two workers engaged by it, has been initiated or not.

6. Mr. Kamal Trivedi, the learned Advocate General assisted by Mr. Vinay Bairagara, the AGP would submit that action taken

against the said contractor shall be reported on the next date fixed.

7. On all other issues raised by the learned counsel Mr. Subramaniam Iyer appearing for the petitioner to ensure implementation of zero Manual Scavengers policy in strict compliance of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and applicable directions, the matter is posted on **18.09.2026 at 12.30 p.m..**

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

C.M. JOSHI