

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1570 OF 2023

Shramik Janata Sangh
through General Secretary & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Ms. Gayatri Singh, Senior Advocate and Ms. Sudha Bharadwaj, for
the Petitioners.

Mr. A. S. Rao, for the Respondent-Corporation.

Mr. O. A. Chandurkar, Addl. GP a/w. Mr. S. A. Prabhune, AGP, for
the Respondent-State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 4th MARCH 2026

PC:

1. In continuation of our order dated 5th February 2026, the learned Senior Counsel Ms. Gayatri Singh has placed on record a short note to assert that Ritik Rohidas Kurkute who was appointed by KDMC was actually engaged in manual cleaning of contaminated storm drain without adequate safety aid and safety equipment. It is a specific assertion that while working in the said drain, which had the flow of sewage into it, he was engaged as; "manual scavenger" as defined in Section 2(g) of the Prohibition of

Employment As Manual Scavengers and Their Rehabilitation Act, 2013 (“**Act of 2013**”).

It is specifically reiterated that while working in the said drain, he came in contact with electric wire, which was lying submerged in the contaminated storm drain and he succumbed to the electric shock.

2. Copy of the note furnished by the learned Senior Counsel is taken on record.

3. The note is also accompanied with photographs of the drain i.e. spot of incident and from its perusal, *prima facie* we can infer that though it is a drain, it has the flow from sewage and sewer lines and working therein would amount to "manual scavenging".

4. Learned Counsel for the Corporation has placed before us the Work Order in favour of M/s. Pavani Enterprises and we request him to place on record the Tender Notice which was floated.

5. Apart from this, since we find that there is a report of the MSEDCL, indicating the spot where the incident took place and clearly reflecting that while Ritik was working in the drain and while he was climbing up, he came in contact with one of the electric wires and sustained electric shock.

6. Learned Counsel, Mr. Chandurkar representing the State, however, is under the instructions to make a statement that drain was of storm water and would not be covered within the purview of Act of 2013, as the definition of "manual scavenger" in Section 2(g) only extent to a person engaged or employed for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an open drain or pit into which the human excreta from insanitary latrines is disposed of.

7. According to us, unless it is established that these storm water drains had connection from the sewer, carrying human excreta it will not become a site for manual scavenging.

We expect the State as well as the Corporation to place on record the material to establish that the exact nature of the site

where the incident has taken place as it is the claim of Ms. Gayatri Singh that it was a storm water drain with underlying connection of sewage.

It is also her contention that since Ritik was not armed with necessary equipments when he was engaged in hazardous work of cleaning of the sewer, he is entitled for compensation as Section 7 of the Act which prohibit persons from being engaged in such act without proper safety measures.

8. We direct such affidavits should be filed by the Corporation as well as the State within a period of two weeks from today with advanced copy be served upon Ms. Singh.

9. List on **24th March 2026**. To be listed on the Supplementary Board.

[MANJUSHA DESHPANDE, J.]

[BHARATI DANGRE, J.]

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