

ITEM NO.58

COURT NO.13

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(Civil) No.368/2025

ASHA

Petitioner(s)

VERSUS

STATE OF HARYANA

Respondent(s)

(FOR ADMISSION)

Date : 09-05-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Pawan Reley, AOR
Mr. Akshay Lodhi, Adv.
Mr. Gaurav Kumar, Adv.
Ms. Simran Singh, Adv.
Mr. Tanesh Rawat, Adv.

For Respondent(s) :
Mr. Lokesh Sinhal, Sr. A.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Nikunj Gupta, Adv.
Ms. Drishti Rawal, Adv.
Ms. Pragya Upadhyay, Adv.
Ms. Drishti Saraf, Adv.
Ms. Aakanksha, Adv.
Ms. Ishika Gupta, Adv.
Mr. Sarthak Arya, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Our Order dated 25-4-2025 reads thus:-

1. In the first round of litigation, we passed the following order dated 3-1-2025:-

1. The respective husbands of the two petitioners before us were serving as sewer cleaners with the Government of Delhi and the Government of Haryana respectively. Both died on account of inhaling poisonous gas while cleaning sewer/septic tanks. One died in the year 2021 and another died in 2022.

2. The petitioners have invoked the jurisdiction of this Court under Article 32 of the Constitution praying that

both the Governments are liable to pay compensation for the death of their husbands while on duty.

3. In the petition, the petitioners have prayed for the following reliefs:- "

a) Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondent No.1 to provide compensation of Rs.30 Lakhs to the Petitioner No.1 in terms Of the judgment passed by this Hon'ble Court in the case titled as "Balram Singh vs. Union of India & Ors., 2023 SCC Online SC 1386";

(b) Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction directing the Respondent No.2 to enhance the compensation given to the Petitioner No.2 from Rs.10 Lakhs to Rs.30 lakhs and release the remaining amount of Rs.20 Lakhs in terms of the judgment passed by this Hon'ble Court in the case titled as "Balram Singh vs. Union of India & Ors., 2023 SCC OnLine SC1386"]

(c) Issue a Writ in the nature of Mandamus or any other appropriate writ, order, direction directing the concerned respondents to provide full rehabilitation including employment to the Petitioners, and education to their children, and skill training, in terms of the judgment passed by this Hon'ble Court in the case titled as "Balram Singh vs. Union of India & Ors., 2023 SCC OnLine SC 1386"; (d) Cost of the petition may also be awarded in favor of the Petitioners and against the Respondents;"

4. We take notice of the fact that the petitioner no.1 has preferred a representation addressed to the Chief Secretary, Government of Haryana dated 15.10.2024 praying for appropriate compensation. In the same manner the petitioner no.2 has also preferred a representation addressed to the Chief Secretary, Government of NCT of Delhi dated 15.10.2024. The two representations are annexed as annexures P-11 and P-13 respectively to this petition.

5. It appears that the respective Governments have yet to look into the representations and take an appropriate decision in the matter as regards the claim of the petitioners for compensation.

6. The petitioners also seek to rely upon a decision rendered by the High Court of Delhi in CONT.Case(C) 262/2024 and CM Appl.46288/2024 decided on 20th August, 2024. In the said order, we find reference of the decision of this Court in the case of Balram Balram Singh vs. Union of India & Ors.

7. We are of the view that we should direct the

Government of NCT of Delhi and the Government of Haryana to look into the two representations filed by the petitioners herein and decide the same in accordance with law within a period of four weeks, keeping in mind the dictum as laid by this Court in Balram Singh vs. Union of India & Ors.

8. In the event, if the two representations filed by the petitioners are rejected, it shall be open for both the petitioners to come back to this Court.

9. We direct the two governments to decide the representations within the stipulated period of time and inform both the petitioners in writing about the outcome of their representations.

10. With the aforesaid, this petition stands disposed of.

11. Pending application(s), if any, stand disposed of."

2. In pursuance of our order dated 3-1-2025, referred to above, the petitioner - herein preferred a representation through her lawyer dated 6-1-2025 which reads thus:-

"To,

The Chief Secretary,
Government of Haryana, 4th Floor, Haryana Civil
Secretariat, Sector-1, Chandigarh - 160001.

SUB: REPRESENTATION FOR DISPOSAL OF REQUEST, SEEKING COMPENSATION AND REHABILITATION FOR MY CLIENT, PURSUANT TO THE ORDER DATED 3.01.2025 PASSED BY THE HON'BLE SUPREME COURT IN WRIT PETITION (CIVIL) NO. 829 OF 2024.

Respected Sir,

I am writing this on behalf of my client, Asha, R/o House No.63, Ward No.9, Balmiki Mohalla, Hasanpur, Hasanpur (Rural), Palwal, Haryana-121107, the widow and dependent of Late Sh. Rajesh, who tragically lost his life on 1.07.2022, while cleaning a sewer under the direction of SDO Rajveer Rawat in Hassanpur Village, Haryana.

1. That the incident occurred on 1.07.2022 when my client's husband was exposed to hazardous conditions and inhaled poisonous gases while cleaning a sewer, which led to his untimely demise. Despite this, my client has not received any rehabilitation or compensation from the Government of Haryana, as mandated under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

2. That multiple representations were submitted to the

Government of Haryana, requesting adequate compensation of Rs.30,00,000/- for my client, in line with the directions issued by the Hon'ble Supreme Court in Balram Singh v. Union of India & Ors., 2023 SCC OnLine SC 1386. The first representation was sent to you on 14.09.2024.

3. After initially sending the representation letter, we unfortunately did not receive any response from your office. In light of this, and assuming that the letter may not have reached you or may have been unintentionally overlooked, we took the step of re-sending the same representation letter on 15.10.2024. Our intention was to ensure that our concerns were brought to your attention once again. However, despite our follow-up, we still did not receive any acknowledgment or response from your end. Given the lack of communication and inaction over an extended period, we were left with no other recourse but to seek judicial intervention. Therefore, we approached the Hon'ble Supreme Court under Article 32 of the Constitution of India.

4. The Hon'ble Supreme Court vide order dated 3.01.2025 passed in Writ Petition (Civil) No. 829 of 2024 was pleased to direct the government of Haryana, to look into our concern and decide the issue within a period of four weeks and give in writing the final outcome of their decision. The copy of the order dated 3.01.2025 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 829 of 2024 is annexed herein as ANNEXURE A

5. The Hon'ble Supreme Court vide order dated 3.01.2025 passed in Writ Petition (Civil) No. 829 of 2024 has also directed the government of Haryana to decide the matter keeping in mind the dictum laid down by the Hon'ble Supreme Court in Balram Singh v. Union of India & Ors., 2023 SCC OnLine SC 1386.

6. Therefore, we now request you to kindly look into the matter and decide the same within the stipulated period.

7. We are enclosing the copy of the representation letters dated 14.09.2024 and 15.10.2024, which were sent to you, for your reference and kind perusal. In case the letters were not received by your office, or if they were inadvertently overlooked or misplaced, we kindly request you to review it now and take an appropriate decision on the matter. The copy of the representation letter dated 14.09.2024 is annexed herein as ANNEXURE B and letter dated 15.10.2024 is annexed herein as ANNEXURE C.

8. I am positive that you would support my client and her children in the best possible manner.

9. Thank you for your attention to this matter. I look forward to your favorable response."

3. It appears that the State of Haryana has not paid any attention to our order dated 3-1-2025 nor has looked into the representation filed by the petitioner - herein dated 6-1-2025 referred to above.

4. Issue notice, returnable on 9-5-2025.

5. *The Chief Secretary, Government of Haryana, Chandigarh to personally remain present on the next date of hearing so as to make us understand why our order has not been considered and in what manner the representation dated 6-1-2025 (received by the Government on 9-1-2025) has been looked into."*

2. We had directed the Chief Secretary, Government of Haryana, Chandigarh to personally remain present before this Court today. However, in view of the prevailing war like situation, a request was made on behalf of the Chief Secretary that he may not be in a position to leave the Headquarters.

3. In such circumstances, referred to above, we permitted the Chief Secretary to appear on-line. The Chief Secretary has appeared on-line. I.A. No.120002/2025 is allowed.

4. He fairly conceded that there has been a delay in making the payment and he tenders unconditional apology for the same. We accept the apology tendered by the Chief Secretary.

5. We are further informed that the payment of Rs.30,00,000/- has been made to the widow namely Asha, wife of late Shri Rajesh who died on account of inhaling poisonous gas while cleaning the sewer/septic tank. Thus, so far as Asha, wife of late Rajesh is concerned, the payment has been made.

6. However, we take notice of the fact that two persons had died on that fateful day and date.

7. Today, the other widow namely Anita wife of late Shri Lokesh is not before us.

8. We could have issued notice to the Government of National Capital Territory of Delhi. However, we are informed by the learned counsel appearing for the petitioner that she has moved the Delhi High Court. If she has already moved the Delhi High Court, let the Delhi High Court pass an appropriate order on compensation in tune with what we have observed over here.

9. We believe that we should wait for the final outcome of the

proceedings pending in the Delhi High Court so far as Smt. Anita is concerned.

10. Notify this matter once again immediately after the Summer Vacation so as to ascertain what has happened before the Delhi High Court.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)