



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) No.16364 of 2015

WEB COPY

PACKIYA SELVI

.. Petitioner

Vs.

1. THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF SOCIAL JUSTICE,
ROOM NO.740 A-WING, DR.RAJENDRA PRASAD ROAD,
NEW DELHI - 110 001.

2. THE SECRETARY TO THE GOVERNMENT OF TAMIL NADU,
MUNICIPAL ADMINISTRATION & WATER
SUPPLY DEPARTMENT, SECRETARIAT,
CHENNAI - 600 009.

3. THE CHAIRMAN & MANAGING DIRECTOR,
TAMIL NADU WATER SUPPLY & DRAINAGE BOARD,
31, KAMARAJ SALAI, CHEPAUK,
CHENNAI - 600 005.

4. THE SECRETARY TO GOVERNMENT,
ADI - DRAVIDAR & TRIBAL WELFARE DEPARTMENT,
SECRETARIAT, CHENNAI - 600 009.

5. THE DISTRICT COLLECTOR,
DISTRICT COLLECTOR OFFICE,
TUTICORIN - 628 101.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.10,00,000/- (Ten Lakhs only) to the Petitioner by way of compensation in the light of the direction issued by the Honble Supreme Court of India in Safai Karamchari Andolen & others Vs Union of India & Others (reported in 2014 (3) CTC 177) within a stipulated time.

For Petitioner : Mr.A.Sahaya Philomin Raj

For Respondents : Mr.G.Muthukannan
Government Advocate

ORDER

The writ petition has been filed for a Writ of Mandamus directing the respondents to pay a sum of Rs.10,00,000/- (Ten Lakhs only) to the Petitioner by way of compensation in the light of the direction issued by the Honble Supreme Court of India in



Safai Karamchari Andolen & others Vs Union of India & Others
(reported in 2014 (3) CTC 177) within a stipulated time.

2.The case of the petitioner is that she is residing at No.1/159, Madhavan Nagar East, Ayyanadaippu Village, Tuticorin Taluk, Tuticorin District, along with her one female child and two male children. The petitioner belong to Hindu Sakkiliar Community which comes under Scheduled Caste (Arunthathiyar). Her husband Kulanthai Raj died of asphyxiation while he was engaged in removing the blocks in a septic tank situated in Britto Fish Exports Company, Sipcot, Tuticorin, before four years. The petitioner's husband died leaving behind one female child and two male children and she is struggling to eke out her livelihood with her children and unable to educate them. The petitioner's husband Kulanthai Raj was working as a coolie and he used to go for any works available. Very often he was engaged in cleaning the septic tanks and sewers due to poverty.

3.It is the further case of the petitioner that on 25.05.2011, the petitioner's husband Kulanthai Raj along with one Paul was taken to "Britto Fish Exports Company" by one Shanmugam for removing the blocks in the septic tank situated in the Company. At around 5.30 p.m. the Supervisor Murugesan and Manager Andrews asked the petitioner's husband and Mr.Paul to get into the tank and remove the blocks. When her husband and Paul asked for protective gears, they told them that they have no such protective gears and forced them to do it manually without any protective gears. As they started working, they fainted due to asphyxiation. Thereafter, Mr.Shanmugam lifted them from the tank with the help of others and taken them to Tuticorin Government Hospital for treatment. However, they were declared dead on 31.05.2011 after 6 days due to asphyxiation. Subsequently, a complaint was lodged with the Sipcot Police and then FIR was also registered on 31.05.2011 under Section 304(A) of IPC in Crime No.183 of 2011 and the matter was taken up for investigation.

4.It is also the case of the petitioner that after the death of her husband, the entire family was shattered and completely ruined. The petitioner has to bear the burden of running the family on her own as her children are very young. The petitioner has lost the only bread winner of the family. The petitioner was informed of the Hon'ble Supreme Court's direction dated 27.03.2014 that directs the Government to identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and to award compensation of Rs.10 lakhs for each of such a death to the family members depending on them. According to the petitioner, this information is a great consolation, as she is struggling to run her family. Thereafter, the petitioner sent a ~~separate petition~~ to the respondents on 03.07.2015 seeking the compensation amount of Rs.10 lakhs as per the direction issued by the Hon'ble Supreme Court of India in *SAFAI KARAMCHARI ANDOLEN AND*



OTHERS v. UNION OF INDIA AND OTHERS, reported in 2014 (3) CTC 177. But the respondents has not taken any steps so far.

5. It is the further case of the petitioner that the petitioner sent the representation along with relevant documents viz., Death certificate, First Information Report, Legal Heir Certificate, Post-Mortem-Certificate and residence proof (Voter ID) etc. The petitioner was advised that the Central Government enacted an Act in the year 1993 namely the Employment of Mannual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, which prevents Manual Scavenging. Subsequently, the Government of India enacted a fresh Act namely the "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013". In spite of these two important legislations, specifically prohibiting manual scavenging, these incidents have taken place, which only discloses that the concerned authorities, who are in charge of preventing manual scavenging in their respective jurisdiction are unmindful of the value of human lives, and have allowed the scavengers to undertake the work of manually cleaning the septic tank knowing fully well the high amount of risk involved in undertaking such jobs. Stating all these pathetic conditions, the petitioner has sent a representation dated 03.07.2015 claiming compensation to the respondents, but the respondents did not consider her representation so far. Hence, the petitioner has come forward with this writ petition.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

7. The relevant portion of the Judgment of the Hon'ble Supreme Court in *SAFAI KARAMCHARI ANDOLEN AND OTHERS v. UNION OF INDIA AND OTHERS*, reported in 2014 (3) CTC 177, reads as follows:-

"(iii) Identify the families of all persons, who have died in sewerage work (manholes, septic tanks) since 1993 and award completely of Rs.1,0,00,000/- (Rupees Ten Takhs Only) for each such death to the family members depending on them".

8. In the similar circumstances, the learned single Judge of this Court in W.P.(MD)No.9989 of 2015 (*Valaiyakka v. The Secretary to Government of India and others*), has passed the following order:-

"In the light of the factual matrix and in view of the pathetic conditions of the petitioner's family, the first and second respondents are directed to pass appropriate orders in tune with the Judgment of the Hon'ble Supreme Court in *SAFAI KARAMCHARI ANDOLEN AND OTHERS v. UNION OF INDIA AND OTHERS*, reported in 2014 (3) CTC 177, granting relief, on the basis of the representations of the petitioner, dated 19.09.2014 and



01.04.2015, within a period of six weeks from the date of receipt of a copy of this order."

9. Following the same, a similar direction is issued to the respondents 1 and 2 to pass appropriate orders in tune with the Judgment of the Hon'ble Supreme Court in *SAFAI KARAMCHARI ANDOLEN AND OTHERS v. UNION OF INDIA AND OTHERS*, reported in 2014 (3) CTC 177, granting relief, on the basis of the representation of the petitioner, dated 03.07.2015, within a period of six weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF SOCIAL JUSTICE,
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SECRETARIAT, CHENNAI - 600 009.
 5. THE DISTRICT COLLECTOR,
DISTRICT COLLECTOR OFFICE,
TUTICORIN DISTRICT - 628 101
- + 1 CC TO MR. A. SAHAYA PHILOMINRAJ, ADVOCATE IN SR NO. 53015
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 53287

RJ2