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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 16.07.2015

+ W.P.(C) 5978/2015

ANUPAM BHATNAGAR

..... Petitioner

Versus

UNION OF INDIA & ORS

..... Respondents

+ W.P.(C) 5979/2015

SHARAD TIWARI

..... Petitioner

Versus

EAST DELHI MUNICIPAL
CORPORATION AND ANR.

..... Respondents

Present:- Mr.Sugriva Dubey, Adv. for the petitioners.
Mr.Abhishek Paruthi, Adv. for the petitioner in W.P.(C)
No.5978/2015.
Mr.Sanjay Poddar, Sr.Adv. with Ms.Mini Pushkarna,
Adv. for EDMC.
Mr.Ajay Digpaul, Adv. with Mr.Kunal Punj, Ms.Rishika
Katyal, Adv. for Union of India in W.P.(C)
No.5978/2015.
Mr.Surender Chauhan, Adv. for R-5 to R-14 in W.P.(C)
No.5978/2015.
Mr.Mukesh Birla, Adv. with Mr.Rohitash, Adv. for R-10
in W.P.(C) No.5978/2015.
Mr.Naushad Ahmed Khan, Adv. for GNCT of Delhi in
W.P.(C) No.5978/2015.
Mr.Anuj Aggarwal, Adv. for R-2/GNCTD in W.P.(C)
No.5979/2015.
Mr.Sanjeev Ralli, Adv. with Mr.Sahil Sangar, Adv. for
the intervenor.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE JAYANT NATH

J U D G M E N T

Ms.G.ROHINI, CHIEF JUSTICE (Oral)

1. These two writ petitions by way of public interest litigation were filed on 11.06.2015 complaining about the garbage piled up in several areas in East Delhi since the Safai Karamcharis ceased the work protesting against non-payment of salaries. This Court passed an interim order on 12.06.2015 directing as under:-

“11. The Court is of the view that both the issues viz., the immediate removal of the piled up garbage as well as the payment of arrears of salaries to the Safai Karamcharis require immediate attention. As far as the former is concerned, a direction is issued to Commissioner of Police (‘CP’) [Respondent No.3 in W.P.(C) No. 5978/2015] to constitute specific task forces for each ward in East Delhi, which will be headed by a police officer not below the rank of the Sub-Inspector to oversee the ward-wise removal of garbage by the agencies employed by the EDMC for that purpose. The CP or any Senior Officer as deputed by him for the purpose, is requested to work in close coordination with Commissioner, EDMC or his representative. For that purpose a meeting shall be held at 4 pm today itself so that the task of removal of garbage can begin straightway, preferably by nightfall. The meeting can take place, subject to mutual convenience, at either of their offices but should definitely take place today.

12. It is made clear that no obstruction to the removal of garbage should be countenanced. The Court restrains the Safai Karamcharis including those represented by the Respondent No.5 and the following unions:

- (i) Municipal Safai Kaamgar Congress (Delhi State)
- (ii) Delhi Pradesh Municipal Safai Kaamgar Congress (Delhi State)
- (iii) Delhi Nagar Nigam Safai Majdoor Sangh, Delhi Pradesh
- (iv) MCD Karamchari Union
- (v) Akhil Bhartiye Safai Majdoor Congress
- (vi) Delhi Prantiye Balmiki Majdoor Sangh
- (vii) Delhi Pradesh Balmiki Majdoor Sangh
- (viii) Akhil Bhartiye Safai Majdoor Sangh
- (ix) Delhi Pradesh Nigam Safai Majdoor Union
- (x) MCD Swachhta Karamachari Union
- (xi) Delhi Pradesh MCD Aam Majdoor Union.

from causing any obstruction whatsoever in the removal of garbage by the agencies deployed by the EDMC for that purpose. The unions aforementioned are hereby impleaded as parties to W.P.(C) No. 5978/2015 through their respective Secretaries as Respondents 6 to 16.”

2. When the matters are taken up today for consideration, it is represented by the learned counsels for the petitioners that on the very same date, i.e., 12.06.2015, the Safai Karamcharis have withdrawn the strike and resumed work. It is also not disputed before us that garbage piled up in East Delhi has been removed in compliance of the directions issued by this Court.

3. However, with regard to the payment of salaries to the Safai Karamcharis by the Delhi Municipal Corporation it was pleaded by the learned standing counsel appearing for the GNCTD that no sufficient funds are available. Since the said issue is the subject matter of another writ petition being W.P.(C) No.3385/215, pending before this Court, we are not inclined to enter into the said controversy in the present petition.

4. So far as these writ petitions are concerned, since the necessary steps have already been taken by the respondents in terms of the directions of this Court issued on 12.06.2015 and 19.06.2015, we do not think it necessary to
W.P.(C) No.5978/2015, 5979/2015

keep the writ petitions pending any longer.

5. The writ petitions are accordingly disposed of.

CHIEF JUSTICE

JAYANT NATH, J

JULY 16, 2015

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