

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No. 2876 of 2014 (O&M) (PIL)

Date of Decision: 25.09.2018

Court on its own motion

.....Petitioner

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Amit Kaith, Advocate for
Mr. Puneet Gupta, Advocate as Amicus Curiae.
Mr. Avinit Avasthi, Assistant Advocate General, Punjab.
Mr. Vinod S.Bhardwaj, Advocate, for respondent Nos.2 to 4.
Mr. Nikita Bansal, Advocate for
Mr. Nitin Kaushal, Advocate, for respondent No.6.
Mr. Tajender K.Joshi, Advocate, for respondent No.7.

KRISHNA MURARI, C.J.(oral)

CM No. 11680-2018

Heard. Allowed subject to all just exceptions.

Civil Writ Petition No. 2876 of 2014 (O&M)

This petition has been listed as Public Interest Litigation in pursuance to the orders of the Supreme Court in the case of “**Occupational Health and Safety Association v. Union of India and others**” Writ Petition (Civil) No. 79 of 2005 decided on January 31,2014, whereby the High Courts of all the States were directed to examine the issues relating to Coal Fired Thermal Power Plants (hereinafter referred to as “the CFTPP”) within their jurisdiction, as to whether the CFTPPs are complying with safety standards and the rules and regulations relating to the health of the employees working therein. It was further directed that the High Court should examine as to whether there is adequate and effective health delivery system in place and whether there is any evaluation of occupational health

status of the workers and whether any effective medical treatment is meted out to them.

2. In the replies as well as status reports filed by the respondents, the steps taken by the respondents with regard to two State operated and privately operated power plants in the State of Haryana in compliance with the directions of Supreme Court have been set out.

3. It is stated that the employees have been sensitized to adhere to safety rules and to use personal protective equipment to avoid health hazards in line with the code of Practice on Occupational Safety and Health Audit as developed by Bureau of Indian Standards, PTPS, Panipat, which has been awarded OHSAS 18001 certificates, Quality Management System, ISO 9001:2008 and Environmental Management System-ISO 14001:2004. The last surveillance audit was carried out by Bureau of Indian Standard (BIS) in the month of August, 2017.

4. It is further stated that all the safety methods are being followed for handling, collection and disposal of hazardous waste. All the chemical waste is disposed through authorized recyclers approved by Central Pollution Control Board and Haryana Pollution Control Board. To treat the water effluents, effluent treatment plants are provided at Thermal Power Station.

5. The other measures stated to have been adopted by the respondents are set out hereunder:-

- i) With respect to controlling particulate emission and harmful gases, efficiency units of the like of chimney meters, air dampers etc. have been established to maintain the ambient air quality.
- ii) Comprehensive medical check-up is organized for the employees where they are given thorough medical treatment in super specialty hospitals and medical expenses are reimbursed

as per Rules. All contract workers are covered under ESI Scheme and are being treated by the doctors of ESI hospitals as per requirement, for all diseases including occupational diseases.

- iii) To keep a check on the health and safety of workers, the respondent power plants have formulated Plant Safety Committee under Section 41-G of the Factories Act headed by Factory Manager.
- iv) Compensation to the Workmen under the Workmen's Compensation Act, 1923 is also given by ESI for occupational diseases, ailment or accident. The details of other aspects, including providing compensation to the workers, use of modern protective equipment have also been set out.

6. In view of the replies/status reports filed by the respondents, we are satisfied that adequate measures have been taken by the respondents in compliance with the directions of Supreme Court with regard to maintenance of safety standards at the thermal power plants as well as for the health, medical treatment and compensation to the workers.

7. That being so, even learned counsel for the parties are ad-idem that nothing substantive survives in this petition and thus the proceedings be accordingly closed.

8. Accordingly, the petition stands disposed of. However, the respondents are directed to ensure that there is no laxity in implementation of the afore noted measures in future.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

25.09.2018
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√