

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15380 of 2021

Mrinalini Padhi

....

Petitioner

In person

-versus-

Union of India and Others

....

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate (State)
Mr. P.K. Parhi, Deputy Solicitor General (Union of India)
along with Mr. S.S. Kashyap, CGC

CORAM:

THE CHIEF JUSTICE

JUSTICE M.S. RAMAN

ORDER

16.11.2022

Order No.

09. 1. The Petitioner, who appears in person has placed before the Court a copy of the exhaustive judgment dated 29th June, 2021 passed by the Supreme Court of India in Suo Motu Writ Petition (Civil) No. 6 of 2020 (*In re-Problems and Miseries of Migrant Labourers*). She states that many of the issues raised in the present petition stand answered by the aforementioned judgment of the Supreme Court.
2. She however draws attention to the Odisha Unorganized Workers Social Security (Amendment) Rules, 2019 (Amendment Rules), which seeks to amend the Odisha Unorganized Workers Social Security Rules, 2010 (2010 Rules) which in turn have been made in terms of Section 14 of the Unorganized Workers Social Security Act, 2008 (Act) and submits that in Rule-5 of the Amendment Rules which seeks to amend Rule 13 of the 2010 Rules the expression 'migrant workers' has somehow been omitted.
3. Rule 13 (7) of the 2010 Rules as amended in 2019 provides for registration of 'beneficiaries' and for generally workers to be

registered by the State Board in the first phase. Under Rule 13(7), there are several categories of ‘workers’, who have been mentioned but for some reason ‘migrant worker’ is not mentioned. Under Section 2(n) of the Act, ‘wage worker’ has been defined as under:

“(n) ‘wage worker’ means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, *or as a migrant worker*, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be.” (emphasis supplied)

4. Since the Rules have to be consistent with the Act, it is obvious that reference to ‘workers’ in Rule 13(7) of the 2010 Rules as amended in 2019 would include ‘migrant worker’. It is accordingly clarified. The State Government will, consistent with this declaration, take steps to further amend the 2010 Rules to reflect this change.

5. The writ petition is disposed of in terms of the judgment of the Supreme Court referred to above. An urgent certified copy of this order be issued as per rules.

(Dr. S. Muralidhar)
Chief Justice

(M.S. Raman)
Judge