



W.P.(MD)No.12385 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

.DATED : 21.08.2024

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.(MD)No.12385 of 2017

M.Pandy

... Petitioner

Vs.

1. ****

2. ****

3.The Commissioner,
Madurai Corporation,
Aringar Anna Malikai,
Madurai District.

4.The Secretary to Municipal Administration
and Water Supply Department,
Fort St.George,
Chennai – 9.

... Respondents

(R-1 and R-2 deleted vide order dated 21.08.2024 in W.P.(MD)No.12385 of 2017)

(R-4 is suto motu impleaded vide order dated 21.08.2024 in W.P.(MD)No. 12385 of 2017)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to sanction the compensation to the petitioner's husband's death cause due to the suffocation affected by poisonous gas in Madurai Municipal Corporation Locality, Madurai, by considering the application dated 28.02.2017, within the stipulated period.

For Petitioner : Mr.M.A.Abdul Muthalif
For R-3 : Mr.S.Vinayak
For R-4 : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present Writ Petition is filed praying for Mandamus, directing the respondents to sanction the compensation to the petitioner, on account of death of her husband, due to suffocation caused as a result of poisonous gas, in Madurai Municipal Corporation Locality, Madurai, by considering the application dated 28.02.2017.

2. It was submitted by the learned counsel for the petitioner during the course of carrying on the cleaning work, the petitioner's husband viz., G.Murugan, who was engaged by the respondent-Municipality, died due to



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suffocation due to poisonous gas which emanated from the septic tank on 07.02.2001. In this regard, the petitioner submitted an application requesting the authorities to provide job on compassionate ground and she has been appointed as Sanitary Worker under consolidated basis. Now, the petitioner is claiming compensation for her husband's death, in the above circumstances. The petitioner made an application on 28.02.2017 requesting the authorities to sanction compensation. Since no action was taken, the present petition is filed.

3. It is further submitted by the learned counsel for the petitioner that the application is stated to be pending even after seven years. He also placed reliance on the judgment of the Hon'ble Supreme Court in the case of ***Safai Karamchari Andolan and others Vs Union of India*** reported in ***(2014) 3 CTC 177***, wherein direction has been given to award compensation in paragraph 14 and the same is extracted hereunder:

“14) We have already noted various provisions of the 2013 Act and also in the light of various orders of this Court, we issue the following directions:-



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(i) The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:-

(a) such initial, one time, cash assistance, as may be prescribed;

(b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) they shall be allotted a residential plot and financial assistance for house construction, or a readybuilt house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

(d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;

(e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;

(f) shall be provided such other legal and programmatic assistance, as the Central Government or State Government



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may notify in this behalf.

(ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

(a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

(b) Railways – should take time bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

(iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.

(iv) Rehabilitation must be based on the principles of justice and transformation.”



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4. It is submitted by the learned Additional Government Pleader for the respondents that a direction has to be given only to the Secretary to Municipal Administration and Water Supply Department, Fort St.George, Chennai – 9, who is not a party in this petition and the respondents 1 and 2 may be deleted, as they are not the necessary parties to this petition.

5. In order to have a complete and effective adjudication of the issue raised in this writ petition, the Secretary to Municipal Administration and Water Supply Department, Fort.St.George, Chennai – 600 009, is *suo motu* impleaded as one of the party/respondent in this writ petition. Registry is directed to carry out the necessary amendment in the cause title.

6. At this juncture, the learned Additional Government Pleader for the respondents would further submit that if the petitioner submits a fresh representation, the same would be considered and orders would be passed by the fourth respondent in accordance with law and the same is acceded to by the learned counsel for the petitioner.



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7. Recording the same and in the light of the judgment referred supra, this

Writ Petition is disposed of and the petitioner may submit a fresh representation before the 4th respondent, within a period of two weeks from the date of receipt of a copy of this order. If the petitioner is entitled to any compensation in terms of the judgment stated supra, the same shall be disbursed within a period of twelve weeks therefrom. No costs.

21.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Commissioner,
Madurai Corporation,
Aringar Anna Malikai,
Madurai District.
- 2.The Secretary to Municipal Administration
and Water Supply Department,
Fort St.George,
Chennai – 9.



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MOHAMMED SHAFFIQ, J.

Nsr

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