

ITEM NO.6

COURT NO.9

SECTION III

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONTEMPT PETITION (C) No. 1264/2018 in CIVIL APPEAL NO. 4929/2017

KACHARA VAHATUK SHARAMIK SANGH

Petitioner(s)

VERSUS

AJOY MEHTA & ORS.

Respondent(s)

(IA No. 97109/2018 - EXEMPTION FROM FILING O.T. AND IA No. 187277/2019 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

WITH

MA 1807/2018 in C.A. No. 4929/2017 (III)

(IA No. 81752/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 136922/2018 - EXEMPTION FROM FILING O.T. AND IA No. 136919/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-03-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAM NATH

HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Parties

Mr. Sanjay Singhvi, Sr. Adv.
Ms. Rohini Thyagarajan, Adv.
Ms. Sumedha Ray Sarkar, Adv.
Ms. Rupali Samual, Adv.
Mr. Karun Sharma, Adv.
Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Dhruv Mehta, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ashish Wad, Adv.
Mrs. Tamali Wad, Adv.
Mr. Sandip Mohan Patil, Adv.
Mr. Sunil Sonawane, Adv.
Ms. Akriti Arya, Adv.
Mr. Ajeyo Sharma, Adv.
Mr. Anubhav Ray, Adv.
M/S. J S Wad And Co, AOR

UPON hearing the counsel the Court made the following
O R D E R

Pursuant to our order dated 05.03.2024, the three officers of Brihanmumbai Municipal Corporation (for short, 'the Corporation') are present and an additional affidavit

dated 17.03.2024 has been filed duly sworn by the present Municipal Commissioner, Shri Iqbal Singh Chahal.

From a perusal of the said affidavit it appears that the Corporation is now geared up to ensure compliance of the orders of this Court, however, still lot has to be done.

In paragraph 12 of the affidavit it has been stated that the process of verification will be continued and completed by end of July, 2024 and a complete status report of the said verification would be filed before this Court.

We, accordingly, grant four months' time to the Corporation to complete the exercise as requested in paragraph 12 and file status report of full compliance.

There are two other issues, which need to be addressed, i.e., (i) that the payment has been made to the verified workers as a lump sum amount and not the actual entitlement and (ii) the benefits admissible to the employees/workers who had died or permanently incapacitated prior to the order of this Court dated 07.04.2017, have not been extended all the benefits admissible to them.

Both the above issues are serious issues and need to be addressed forthwith by the Corporation.

As the details of compliance with respect to the employees/workers who have died or permanently incapacitated are not on record, we direct the petitioner-

Kachara Vahatuk Sharamik Sangh (for short, the Union/Sangh') to file an affidavit in response to the affidavit dated 17.03.2024 and also to place therein the details regarding the deceased employees/workers and those who have been permanently incapacitated prior to 07.04.2017 and the benefits extended to them till now. Such affidavit may be filed within two weeks, i.e., by 02.04.2024.

We further direct the respondent-Corporation to file an affidavit placing on record the verification of the attendance of the employees/workers who have been paid lump sum amount and also the details of the payments made or benefits extended to the deceased employees'/workers' families and also those who are permanently incapacitated. This affidavit will be filed on or before 16.04.2024.

List these matters again on 23.04.2024.

On the said date, the personal appearance of the Municipal Commissioner would not be necessary, however, the Deputy Commissioner (SWM) and the Chief Engineer (SWM) would remain present.

Annexure A-2 to the affidavit filed is a communication dated 17.03.2024 by the Municipal Commissioner to the President, Industrial Tribunal, requesting the Tribunal to direct the Investigating Officer to arrange a camp for verification of remaining workers from the list of 1100 workers, as communicated *vide* letter dated 09.02.2024.

Learned counsel for the petitioner has submitted that a direction may be issued to the Investigating Officer to fix a date for a camp so that the relevant material may be placed before him along with the presence of the workers for their verification.

We may not be able to fix the date for the Investigating Officer, however, we direct the Industrial Tribunal to make sure that the Investigating Officer organizes a camp at the earliest and in any case within four weeks from today and give advance notice to the petitioner-Union/Sangh for placing the relevant material before it and also for physical verification for workers who have still not been verified.

(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS

(RANJANA SHAILEY)
COURT MASTER