

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

AD-HOC NO. WP-LD-VC-46 OF 2020

WRIT PETITION (ST.) NO. OF 2020

Samaj Samata Kamgaar Sangh ... Petitioner

Versus

Navi Mumbai Municipal Corporation & Ors. ... Respondents

Mr.Bhavesh Parmar i/b. Gravitas Legal for the Petitioner.

Mr. Sandeep Marne for Respondent No. 1.

Mr.P.P.Kakade, GP a/w. Ms. A.A.Purav, AGP for the State.

CORAM : S.J.KATHAWALLA,

DATE : 12TH MAY, 2020

P.C. :

1. The Petitioner – Samaj Samata Kamgaar Sangh has filed the above Writ Petition on behalf of the 6277 employed with Respondent No. 1 – Navi Mumbai Municipal Corporation (hereinafter referred to as “**the Corporation**”) for the following reliefs :

“(a) This Court be pleased to direct the Respondents to arrange for good quality hand gloves, N95 face masks, hand sanitizers and PEE for all kamgaar.

(b) This Court be pleased to direct the Respondents to arrange for water connection at all Hazeri Shades for kamgaar to wash themselves before leaving so as to protect themselves and their families from Covid-19.

c. This Court be pleased to direct the Respondents to extend the daily

allowance of Rs.300/- as per its notification dated 7th April, 2020 to the kamgaar.

d. This Court be pleased to direct the Respondents to extend the benefits as declared by the Finance Minister – Mrs. Nirmala Sitharaman during the press conference conducted on 26th March, 2020 to the kamgaar of the Petitioner Union.”

2. It is submitted that out of the said 6277 workers, 3261 workers are involved in Solid Waste Management including day-to-day road cleaning and transportation of garbage. They are compelled to handle garbage and solid waste with bare hands and are not provided with any water to clean their hands and feet throughout the day. They are only provided with 2-3 drops of hand sanitizers at the Hazeri Shade before they start working and 02 drops at the end of their shift. About 693 workers are employed in the health department, which includes duties at four Corporation hospitals and 23 Urban Health Posts across Navi Mumbai. About 65 workers are employed on cemetery cleaning duty.

3. It is submitted that despite the workers discharging essential services and have been regularly reporting to work at their respective stations, they are not provided with any protection from Covid-19 virus such as hand sanitizers, hand gloves, face masks, PPEs etc. save and except providing low quality face masks and hand gloves on one occasion. The said workers are therefore highly exposed to catching the deadly Covid-19 virus thereby putting in jeopardy their own lives as well as the lives of their family members.

4. It is further submitted that though the Petitioner Union has addressed several letters to the Respondent No. 2 – Municipal Commissioner of the Corporation and the Deputy Commissioner, Solid Waste Management, requesting them to look into the problems faced by these workers, there is no response received from the Commissioner or the Deputy Commissioner.

5. It is submitted that the Deputy Commissioner, Solid Waste Management visited some of the Hazeri Shades and noted that the problems of the workers were real and grave and need to be addressed at the earliest. However, thereafter no action is taken thereafter by the Respondent No. 1 Corporation.

6. It is further submitted that vide notification dated 7th April, 2020, Respondent No. 1 Corporation observed that since transportation facilities were shut down as a result of the lockdown, the workers of the Respondent No. 1 Corporation found it difficult to travel to their work stations. Additionally, it was observed that the workers were facing several problems since hotels and other eateries were shut and therefore arranging for food had become problematic. Respondent No. 1 sanctioned Rs.300/- as daily allowance to the workers and employees of Respondent No. 1 Corporation. However, the said amount is not paid to 6277 workers on the ground that they are contractual labourers.

7. It is submitted that the Central Government vide its Press Conference conducted on 26th March, 2020 by the Finance Minister had also announced a special insurance scheme that would cover the workers working as Safai karmacharis, ward-

boys, nurses, ASHA workers, paramedics, technicians, doctors and specialists and other health workers, as well as workers at government health centres and wellness centres.

8. It is therefore submitted that the said workers are working in the worst human conditions. In fact, the lackadaisical approach of the Respondent No. 1 Corporation and Respondent No. 2 has led to a few positive cases of Covid-19 among the workers of the Petitioner Union while over 24 persons are placed under home quarantine and at quarantine centres. It is therefore further submitted that it is of prime importance that all essential protective equipments be provided to the members of the Petitioner Union without any further delay, as also the schemes of the Central Government as well as Respondent No. 1 Corporation be extended to the members of the Petitioner Union.

9. The learned Advocate appearing for Respondent No. 1 Corporation states that he has instruction to state that all personal protective equipments including hand gloves, face masks and hand sanitizers are being provided from time to time to all the workers. When this Court inquired as to when the protective equipments were last provided to the workers, the learned Advocate appearing for the Respondent No. 1 Corporation seeks time to take instructions.

10. In the circumstances, the Respondent No. 1 Corporation is directed to file its Affidavit before the adjourned date inter alia setting out the number of face masks, hand gloves, hand sanitizers which were in their possession prior to the

announcement of the lockdown, the subsequent additions thereto, along with detailed break up of the distribution carried out from time to time till date. The Respondent No. 1 Corporation shall also set out in the Affidavit the names and addresses of the individuals / firms / companies from whom the hand gloves, hand sanitizers, face masks, etc. are purchased by them and at what price. The Respondent No. 1 Corporation shall also disclose on oath, how often the face masks, hand sanitizers and hand gloves etc. provided to the said workers are replaced / replenished. The Respondent No. 1 Corporation shall place before this Court the report / comments / findings/ minutes submitted / prepared by the Respondent No. 1 Corporation when the Deputy Municipal Commissioner, Solid Waste Management visited the Hazeri shades.

11. Stand over to 14th May, 2020 at 11.30 a.m.

12. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(S.J.KATHAWALLA, J.)