

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 54 of 2014**

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SUO MOTU

Versus

STATE OF GUJARAT & ORS.

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Appearance:

HCLS COMMITTEE(4998) for the Applicant(s) No. 1

MRS KRISHNA G RAWAL(1315) for the Applicant(s) No. 1

SUO MOTU for the Applicant(s) No. 1

GANDHI LAW ASSOCIATES(12275) for the Opponent(s) No. 10,11,8

MS HETAL PATEL, AGP for the Opponent(s) No. 1,13,14,15,16,17

M/S TRIVEDI & GUPTA(949) for the Opponent(s) No. 9

MR DIPAK R DAVE(1232) for the Opponent(s) No. 2,3,4,5,6

MR SUBRAMANIAM IYER(2104) for the Opponent(s) No. 19

MR.VARUN K.PATEL(3802) for the Opponent(s) No. 12

MR MIHIR JOSHI, SR. ADVOCATE with MS AMRITA M THAKORE(3208) for the Opponent(s) No. 7

VIRAL K SHAH(5210) for the Opponent(s) No. 18

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 23/07/2025

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. This petition, filed in the year 2014, raised three issues of health hazards being faced by the workmen working in Coal Fired Thermal Power Plants, viz. (i) Asbestoses (ii) Silicosis and (iii) Noise Induced Hearing Loss (NIHL).
2. We may note that the *suo motu* petition was registered under the order of the Apex Court for consideration of

the matter in the PIL jurisdiction for ensuring better health atmosphere to the workmen to avoid health hazards, specifically occupation hazards, with the help of the experts which may be required by the Court.

3. We may note the order dated 31.01.2014 of the Apex Court wherein it was observed that there is a necessity for constant supervision to the drive to mitigate the harmful effects on the workers which is of extreme importance.
4. By detailed order dated 16.12.2015, this Court has constituted a committee of the Government officials including the Registrar from the Court of the Principal District Judge of the concerned District in the following manner :-

“11..

(i) There shall be constitution of a Committee of the following members.

(a) Principle Secretary, Health Department of the State Government as Chairman to be assisted by a doctor who is expert in the occupational diseases.

(b) One officer who may be nominated by the Secretary, Labour & Employment Department, not below the rank of Joint Secretary/Director/Commissioner.

(c) One officer who may be nominated by the Secretary, Industries and Mines Department, not below the rank of Joint Secretary/Director/Commissioner.

(d) One officer who may be nominated by the Secretary, Energy and Petrochemicals Department, not below the rank of Joint Secretary/Director/Commissioner.

(e) One officer not below the rank of Registrar from the Court of Principal District Judge of the respective district where thermal power plant is/are located.

It would be open to the Principal District Judge to nominate any other officer from administrative branch in the event the officer of the rank of Registrar is unavailable or his services are required for any other work which may be indispensable."

5. Further directions given by this Court in the said order are also relevant to be noted hereinunder :-

"(ii) In the meeting of the Committee, if to be held at Gandhinagar, the presence of the officer from the administrative branch from the concerned Court of Principal District Judge would not be required, but at the time when the visit is made for inspection by the Committee, intimation shall be given well in advance to the concerned Principal District Judge for nominating the officer from the administrative branch of the District Court.

(iii) The Chairman shall convene the meeting within two weeks from today and inspection shall be made of all the 11 thermal power plants as early as possible and attempt shall be made to complete the inspection within three months from today.

(iv) The Committee, while making inspection shall keep in mind the aforesaid 9 suggestions essentially with the purpose to ensure adequate and effective health delivery system at the place, occupational health status of the workers and the effective medical treatment available to the workers, especially for the workers suffering from

occupational diseases or those who are prone to occupational diseases.

(v) The Committee shall prepare separate report for each power plant.

(vi) The Committee shall be at the liberty to take help of the district level officers at the respective places where thermal power plant is located for assistance and for examination of patients, the Committee shall also be at the liberty to take help of the medical students.

(vii) Suffice it to observe that the Committee shall be at the liberty to work out its own modalities for implementing the order keeping in mind that ultimately, the responsibility of report is that of the Committee and therefore, under their direct supervision the inspection may be undertaken.

(viii) The expenses for accommodation and lodging of the concerned officers will be met by the concerned thermal power plant and the expenses for their transportation shall be borne by the respective department.

(ix) At the time when the Committee members or its delegates or persons appointed by the Committee are to visit the respective thermal power plant, the representative of the respective trade union and in the absence of such representative of trade union, NGO working in the area of the concerned thermal power plant shall be permitted to remain present."

6. It is pointed out that the committee so constituted had submitted its report on 27.01.2016 with regard to the measures taken by the individual Coal Fired Thermal Power Plants to mitigate the health hazards/occupational hazards and for providing necessary health facilities to

its workmen.

7. Since much time has elapsed and the present petition is listed after a period of long time of submission of the last report of the Committee being of the year 2016, we are of the considered view that the Committee constituted by this Court, as per the constitution noted hereniabove, shall be revived with the nomination of the concerned officers as per the directions contained therein. The Principal Secretary, Health Department shall ensure that such a Committee is set in place within a period of two weeks from today.
8. The Committee so constituted shall make a fresh inspection of the respective thermal power plants and submits its report strictly in accordance with the directions contained in the order dated 16.12.2015 of this Court and the order of the Apex Court dated 31.01.2014.
9. Further, taking note of the observations of the Apex Court in the order dated 31.01.2014, we provide that the Committee so constituted shall also take assistance of the expert, viz. National Institute of Occupational Health (NIOH) and incorporate its suggestions for rectification measures needed in the field, in its report.
10. Let this report be submitted by the next date fixed. This order be intimated to the Principal Secretary, Health Department, Government of Gujarat by the

learned Assistant Government Pleader appearing in the Court.

Put up on 03.09.2025.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI