

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

WP No. 1653 of 2023

(SARTAJ SINGH TOMAR Vs UNION OF INDIA AND OTHERS)

Dated : 03-09-2025

Shri Rinku Shakya - Advocate for the petitioner.

Shri Praveen Kumar Newaskar - Dy. Solicitor General for respondent No.1/IOI.

Shri Vivek Khedkar and Shri Ankur Mody - Additional Advocate General for respondents No.2 and 3/State.

Shri Gaurav Mishra - Advocate for respondent No.4.

Shri Harish Dixit - Senior Advocate with Shri Nimish Hardeniya - Advocate for respondents No.5 and 6.

Shri Sunil Jain and S.K.Shrivastava - Advocates as amicii curiae.

Commissioner Municipal Corporation - Mr. Sangh Priya, Shri Amar Satya Gupta - Deputy Commissioner, Shri Sanjeev Gupta - Executive Engineer, Water Supply Division are present in person and Ms. Babita Markam, Assistant Director Swachh Bharat Mission are present through video conferencing.

1. The instant petition is in the nature of Public Interest Litigation (PIL) seeking indulgence of this Court in the matter of serious unhygienic conditions prevailing in the city of Gwalior attributable to accumulation of wet and dry garbage in different localities and Landfill Site at Kedarpur falling in the Municipality of City Gwalior.

2. Today compliance on behalf of Municipal Corporation, Gwalior is

filed. Same is taken on record. As per the said compliance report, development in different projects as taken place is as under:

"1. WASTE TO ENERGY PLANT:

That, in continuation of the earlier submissions, it is respectfully submitted that the Detailed Project Report (DPR) for the Waste to Energy Plant, which had been forwarded on 05.08.2025 to the Mission Director, Swachh Bharat Mission (Urban), Urban Administration and Development Department, Bhopal for consideration and necessary action, was placed before the State Level Technical Committee in its meeting convened on 28.08.2025. The DPR was incorporated as Agenda No. 5, and it is hereby submitted that the DPR for them) Waste to Energy Plant has been duly considered and approved by the Committee.

2. COMPRESSED BIO GAS (CBG) STATION:

That, the second tender for the CBG Station Projects was scheduled to be opened on 27.08.2025. However, due to a public holiday falling on the said date, the tender was opened on 28.08.2025. In this process, only one bidder participated. Since it was a second call tender, the matter is being processed with the single bidder in accordance with prescribed norms. Immediately thereafter, the consultant, M/s Mars Planning and Engineering Services Pvt. Ltd., has been requested to undertake document verification and technical evaluation of the bidder, to enable

further proceedings as per settled procedure.

3. SANITARY LAND FILL SITE:

That, the Detailed Project Report (DPR) for the Sanitary Landfill Site, after necessary clarifications, was forwarded to the Mission Director, Swachh Bharat Mission (Urban), Urban Administration and Development Department, Bhopal, for consideration and necessary action. The DPR was placed before the State Level Technical Committee/SLTC in its meeting convened on 28.08.2025, wherein its approval was incorporated as Agenda No. 6. It is informed that the DPR for the Sanitary Landfill Site has been duly approved by the Committee.

Further, the Mayor-in-Council has also approved the DPR on 18.08.2025 vide resolution no. 420.

Parallely, for obtaining the environmental clearance, the matter has been forwarded to the consultant M/s Eco Chem Sales and Services for necessary action and compliance with statutory requirements.

4. MEETING WITH ALL STAKEHOLDERS:

That, for ensuring compliance with the directions of this Hon'ble Court and to adhere to the timeline fixed vide order dated 06.05.2025, a meeting of all stakeholders was convened on 29.08.2025 in the chamber of Shri Vivek Khedkar, Additional Advocate General. The meeting proved to be fruitful, as several procedural issues were clarified, and consensus was reached to

ensure timely progress.

5. DISCIPLINARY ACTION AGAINST ERRING EMPLOYEES:

That, appropriate disciplinary action has been taken against the employees of the Municipal Corporation, Gwalior, who were found negligent in discharge of their duties relating to sanitation and cleanliness. The details of such action taken during the period from 01.06.2025 to 01.09.2025 are set forth herein below for perusal:

STATEMENT OF DISCIPLINARY ACTIONS TAKEN FOR NEGLIGENCE IN SANITATION DUTIES (01 JUNE TO 01 SEPTEMBER)

Nature of Disciplinary Action	Number of Employees
OUTSOURCED UNSKILLED WORKERS WHOSE SERVICES WERE RETURNED TO THE OUTSOURCING AGENCY	20
REGULAR SANITATION WORKERS WHOSE SERVICES WERE TERMINATED	02
SANITARY INSPECTORS/ WARD HEALTH OFFICERS REVERTED TO THEIR ORIGINAL POST OF SANITATION WORKER	02
REGULAR SANITATION WORKERS ISSUED SUSPENSION NOTICES	07
SANITATION WORKERS ISSUED TERMINATION NOTICES	05
OFFICERS/EMPLOYEES SUBJECTED TO SALARY DEDUCTIONS	04
OFFICERS/EMPLOYEES WHOSE ANNUAL INCREMENT WAS WITHHELD WITH NON-CUMULATIVE EFFECT	03
TOTAL	43

The Copy of list of 43 employees is enclosed and marked as ANNEXURE C-7.

6. PENALTY ACTION AGAINST ERRING CITIZENS:

That, appropriate penalty actions have also been initiated against erring citizens who were found dumping waste irresponsibly and penalty of approx 1 lakh has been imposed."

3. It is the submission of learned counsel for the Municipal Corporation, Gwalior that for Waste to Energy Plant, request proposal is to be submitted and soon it would be approved by the State Government and thereafter NIT would be issued.

4. It is further submitted that earlier 15 pumps and now raised to 35 pumps, are available with the Municipal Corporation, Gwalior to pump out the excess/storm water, therefore, problem of excess water in sewage/drainage line and in residential areas, are tried to be addressed. It is further informed that at present Municipal Corporation, Gwalior has 239 Door to Door Garbage Collection Vehicles whereas requirement is of around 320 vehicles. Deficit of around 81 vehicles is to be filled.

5. Learned *amicii curiae* Shri Sunil Kumar Jain and Shri S.K. Shrivastava informed this Court that many industries are in the vicinity of Gwalior city and if under Corporate Social Responsibility (CSR), industries and different well-meaning NGOs working in the city may auger well with Municipal Corporation, Gwalior then deficit of 81 Door to Door Garbage

Collection Vehicles can be covered and Municipal Corporation, Gwalior would start functioning with full strength for Door to Door garbage collection. Citizens of Gwalior also have to harbour feeling that city belongs to them. They have to contribute their bit.

6. It is further submitted that one account can be created by Municipal Corporation, Gwalior so that different industries, businessman, public at large and even fine amount etc. can also be deposited to address the financial crunch faced by the Municipal Corporation, Gwalior.

7. Shri S.K. Shrivastava *amicus curiae* refers Section 135 of the Companies Act, 2013 in this regard which talks about Corporate Social Responsibility.

8. Learned counsel for Pollution Control Board Shri Dixit fairly submits that no sooner environmental clearance given by the State Environmental Impact Assessment Authority (SEIAA), Pollution Control Board would immediately accord the permission within three weeks.

9. Shri Ankur Mody undertakes on behalf of State Government to facilitate the file at brisk pace rather than obstructing. He undertakes that all proceedings would be undertaken without any glitch so that fund and permission are given to the Municipal Corporation, Gwalior without delay.

10. Heard.

11. After going through the compliance report filed on behalf of Municipal Corporation, Gwalior, suggestions given by learned *amicii curiae* and discussions held with the officers present in the Courtroom, following conclusions emerged:

i. Municipal Corporation, Gwalior would undertake this project at mission mode and would create awareness in this regard in the city of Gwalior.

ii. Municipal Corporation, Gwalior may explore the possibility of getting Door to Door Garbage Collection Vehicles under CSR from different Industries/NGOs/Private Institutions intended to donate and/or public at large, if advised so and if Rules/Regulations permit, then account can be created where all these donations can be collected and would only be used for addressing Cleanliness of the city.

iii. Time has come that all stakeholders must contemplate about creating Corporate Climate Responsibility Fund (CCR Fund) which may be dedicated to address the problems relating to Environment/Cleanliness/Public Hygiene. CCR Fund is a good concept which can only be used for purpose like Environment. In fact this CCR Fund ought to be dedicated to Environment and allied purposes only.

iv. Municipal Corporation, Gwalior shall undertake an awareness programme also and would apprise the public at large about the problems faced by the city of Gwalior and solutions thought of by the Municipal Corporation, Gwalior and projects undertaken in this regard.

v. Commissioner, Municipal Corporation, Gwalior if required, may place the suggestion of creation of account before

Mayor-in-council for approval as discussed in preceding paragraphs.

vi. Commissioner, Municipal Corporation, Gwalior is further directed to take stock of working of all officers of Municipal Corporation, Gwalior under him and if any officer/engineer/authority is found to be in dereliction of duty or casual or indisciplined in his/her approach then suitable action be taken against him immediately.

vii. Officers of Municipal Corporation, Gwalior would always keep their mobiles on, so that problems of public at large may be addressed 24x7.

viii. Municipal Corporation, Gwalior can think of assigning *pro bono* duties to the Auto Rickshaw/E-Rickshaw drivers and other public spirited citizens to make them **Green Warriors** so that whenever good deeds are done by them and reported to the Zonal Officer or Commissioner, Municipal Corporation, Gwalior, then they may be felicitated for their good deeds.

12. For compliance of next stage of progress, matter is placed on 8th October, 2025.

(ANAND PATHAK)
JUDGE

(PUSHPENDRA YADAV)
JUDGE

Anil*