

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

WRIT PETITION (CIVIL) No.110 OF 2006

In the matter of

People's Rights and Social Research Centre  
(PRASAR) & Ors.

.... Petitioners

Versus

Union of India, Ministry of Labour and  
Employment Secretary & Others.

.... Respondents

AFFIDAVIT FILED ON BEHALF OF THE UNION TERRITORY OF  
PUDUCHERRY (RESPONDENT NO.8)

1. I, Ashok Kumar, I.A.S., Son of Paltu Ram, aged about 38 years, having office at Chief Secretariat, Goubert Avenue, Puducherry - 1 do hereby solemnly affirm and sincerely state as follows :-

2. I am the Secretary in Government of Puducherry and in such capacity, I am well acquainted with the facts of the case as derived from the official records and I am filing this affidavit on behalf of Respondent No.8 namely, the Union Territory of Puducherry, as per the directions of the Hon'ble Supreme Court.

3. I respectfully submit that the reply affidavits dated 31.10.2006, 23.11.2010 and Status Report dated 04.05.2017 may be read as part and parcel of this affidavit.

4. I am filing this compliance affidavit pursuant to the Order dated 05.03.2019 of this Hon'ble Court passed in Writ Petition (Civil) No.110 of 2006.

5. I respectfully submit that during the year 2003, it came to the notice of this Administration that the Women workers of M/s. ACE Glass Containers Limited, Thondamanatham, Puducherry were affected due to occupational disease "Silicosis".

Page No: 1

No. of Corrections:

54/62  
**ASHOK KUMAR**  
SECRETARY TO GOVERNMENT (LABOUR)  
CHIEF SECRETARIAT  
PUDUCHERRY

6. I respectfully submit that immediately to ascertain the fact, the Chief Secretary, Puducherry convened a meeting on 12.03.2003 with the Secretary (Welfare & Labour) and Secretary (Health), Labour Commissioner, Director of Industries and Director of Health and Family Welfare Services and decided that a thorough detailed medical examination of all the workers in the factory should be done.


7. I further respectfully submit that the Directorate of Health and Family Welfare Services vide letter, dated 24.3.2003 had stated that a Medical Team consisting of Medical Inspector of Factories and Medical Officer from Health Department examined 575 workers working in the factory at that time. The team referred 160 workers for examination by the Specialists. Out of the said 160 workers, 151 of them have reported for clinical examination and investigations were made by the specialists and necessary tests including X-Ray, Lung functioning test etc., have also been taken.

8. I further respectfully submit that the Committee of Specialists confirmed that the following 4 contractual labourers viz., (1) Kamalam (35), (2) Dhanalakshmi (45), (3) Kanagam (35) and (4) Saroja (23) admitted earlier at Government Hospital for Chest Diseases were suffering from Silicosis. The Committee of Specialists also informed that 57 former Contractual Labourers had reported at General Hospital, Pondicherry between 1<sup>st</sup> and 21<sup>st</sup> March, 2003 and on completion of examination including investigations, the following 14 Contractual Labourers/Workers viz., (1) Sumathy (25), (2) Vennila (22), (3) Jayanthi (21), (4) Anusuya (20), (5) Valli (24), (6) Bhavani (22), (7) Priya (22), (8) Jayalakshmi (40), (9) Gnanambal (27), (10) Kumudhavalli (30), (11) Krishnaveni (36), (12) Vijaya (30), (13) Kalvikarasi (30) and (14) Porkalai (40) had been confirmed with Silicosis.

9. I further respectfully submit that, after clinically examined by the Committee of Specialists, the above mentioned 18 employees were diagnosed with Silicosis. Out of 18, 7 employees viz., (1) Kamalam, (2) Dhanalakshmi, (3) Sumathy, (4) Vennila, (5) Jayanthi, (6) Jayalakshmi and (7) Vijaya have died due to silicosis on various dates, while taking treatment in JIPMER and Chest Hospitals in Puducherry.

Page No: 2

No. of Corrections:

  
**ASHOK KUMAR**  
SECRETARY TO GOVERNMENT (LABOUR)  
CHIEF SECRETARIAT  
PUDUCHERRY

The remaining 11 employees of M/s. ACE Glass Containers Limited, Thondamanatham, Puducherry viz., (1) Kanagam, (2) Saroja, (3) Anusuya, (4) Valli, (5) Bhavani, (6) Priya, (7) Gnanambal, (8) Kumudhavalli, (9) Krishnaveni, (10) Kalvikarasi and (11) Porkalai who were affected by Silicosis are taking treatment in Respiratory Medical Department, JIPMER, Puducherry. Since, Silicosis is a chronic disease, the above mentioned workers have to undergo continuous treatment.

10. I further respectfully submit that the Government of Puducherry have examined the Medical Reports submitted by the Health Department and after considering the seriousness of the disease in each case has arranged for payment of relief of Rs.20,000/- to Rs.50,000/- to the 18 ex-workers through the Chief Minister's Relief Fund on 07.04.2003 and the quantum of disbursement is as detailed below:

Sl. Nos	Name & Address of the Employee	Amount of Compensation disbursed
1.	A. Sudha @ Anusuya, D/o, Arunagiri, No.1, Kaman Koil Street, G.N. Palayam, Puducherry.	Rs. 50,000/-
2.	T.Jayanthi , D/o, Thillaikannu, 2 <sup>nd</sup> Main Road, G.N.Palayam,Arumparthapuram, Puducherry.	Rs. 50,000/-
3.	M.Vennila, D/o, Manikkam, No.6, Kaman Koil Street, G.N. Palayam, Arumparthapuram, Puducherry.	Rs. 50,000/-
4.	P.Priya, W/o, Prakash, No.1, Mariamman Koil Street, G.N.Palayam, Arumparthapuram, Puducherry.	Rs. 50,000/-
5.	R. Sumathi, D/o, Ramasamy, No.30, Pillaiyar Koil Street, G.N.Palayam, Arumparthapuram, Puducherry.	Rs. 50,000/-
6.	M. Valli, W/o, Murugavel, No.34, Pillaiyarkoil Street, G.N. Palayam, Arumparthapuram, Puducherry.	Rs. 30,000/-
7.	Bavani, W/o, Srinivasan, No.17, Mariamman koil st., G.N.Palayam, Puducherry.	Rs. 30,000/-

Page No: 3

No. of Corrections:

59/63  
**ASHOK KUMAR**  
 SECRETARY, TO GOVERNMENT (LABOUR)  
 CHIEF SECRETARIAT  
 PUDUCHERRY

8.	N.Jayalakshmi, W/o, Nandagopal, No.28, Pudu Nagar, Pillaiyarkuppam, Villianur commune, Puducherry.	Rs. 50,000/-
9.	Kamalam, W/o, Boopathy, No.7, Pudunagar, Pillaiyarkuppam, Puducherry.	Rs. 30,000/-
10	Dhanalakshmi, W/o, Mahalingam, No.157, Mariamman koil St., Pillaiyarkuppam, Puducherry.	Rs. 30,000/-
11	Kanagam, W/o, Rajaram, No.170, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 20,000/-
12	Saroja, W/o, Jaidev Biswas, No.163, Mariamman Koil St., Pillaiyarkuppam, Puducherry.	Rs. 20,000/-
13	Gnanambal, W/o, Sinnathambi, No.74, Meenachiamman Koil St., Pillaiyarkuppam, Puducherry.	Rs. 50,000/-
14	R. Kumudavalli, W/o, Ramakrishnan, No.17, Meenachiamman Koil St., Thondamanatham Puducherry.	Rs. 30,000/-
15	J. Krishnaveni, W/o, Janakiraman, No.48, Nadutheru, Pillaiyarkuppam, Puducherry.	Rs. 20,000/-
16	K. Vijaya, W/o, Kalivarathan, No, 30, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 30,000/-
17	P. Kalvikarasi, W/o, Periannan, No.159, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 20,000/-
18	Porkalai, W/o, Kannayan, No.16, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 20,000/-

Page No: 4

No. of Corrections:

60/63

**ASHOK KUMAR**  
SECRETARY TO GOVERNMENT (LABOUR)  
CHIEF SECRETARIAT  
PUDUCHERRY

11. I further respectfully submit that based on the directions issued by this Hon'ble Court, vide Order, dated 05.03.2019, the Government of Puducherry has issued an Order, dated 03.05.2019 directing the Management of M/s. ACE Glass Containers Limited, Thondamanatham, Puducherry to pay compensation to 18 ex-workers who are affected by 'Silicosis' to the tune of Rs. 88,22,673/- in total as per sub-section (1) of section 3 of the Employee's Compensation Act, 1923 and the quantum of compensation ordered to each 'Silicosis' affected worker is as detailed below:-

Sl. No.	Name and Address of the Worker	Amount of Compensation with Interest Ordered
1.	A. Sudha @ Anusuya, D/o. Arunagiri, No.1, Kaman Koil Street, G.N. Palayam, Puducherry.	Rs. 5, 29, 805/-
2.	T.Jayanthi, D/o. Thillaikannu, 2 <sup>nd</sup> Main Road, G.N.Palayam,Arumparthapuram, Puducherry.	Rs. 5, 26, 754/-
3.	M.Vennila, D/o. Manikkam, No.6, Kaman Koil Street, G.N. Palayam, Arumparthapuram, Puducherry.	Rs. 5, 23, 585/-
4.	P.Priya, W/o. Prakash, No.1, Mariamman Koil Street, G.N.Palayam, Arumparthapuram, Puducherry.	Rs. 5, 23, 585/-
5.	R. Sumathi, D/o. Ramasamy, No.30, Pillaiyar Koil Street, G.N.Palayam, Arumparthapuram, Puducherry.	Rs. 5, 13, 036/-
6.	M. Valli, W/o. Murugavel, No.34, Pillaiyarkoil Street, G.N. Palayam, Arumparthapuram, Puducherry.	Rs. 5, 16, 726
7.	Bavani, W/o. Srinivasan, No.17, Mariamman koil St., G.N.Palayam, Puducherry.	Rs. 5, 23, 585/-

Page No: 5

No. of Corrections:

61/63

**ASHOK KUMAR**  
SECRETARY TO GOVERNMENT (LABOUR)  
CHIEF SECRETARIAT  
PUDUCHERRY

8.	N.Jayalakshmi, W/o. Nandagopal, No.28, Pudu Nagar, Pillaiyarkuppam, Villianur commune, Puducherry.	Rs. 4, 35, 599/-
9.	Kamalam, W/o. Boopathy, No.7, Pudunagar, Pillaiyarkuppam, Puducherry.	Rs. 4, 66, 087/-
10.	Dhanalakshmi, W/o Mahalingam, No.157, Mariamman koil St., Pillaiyarkuppam, Puducherry.	Rs. 4, 00, 760/-
11.	Kanagam, W/o. Rajaram, No.170, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 4, 66, 085/-
12.	Saroja, W/o. Jaidev Biswas, No.163, Mariamman Koil St., Pillaiyarkuppam, Puducherry.	Rs. 5, 20, 226/-
13.	Gnanambal, W/o. Sinnathambi, No.74, Meenachiamman Koil St., Pillaiyarkuppam, Puducherry.	Rs. 5, 05, 136/-
14.	R. Kumudavalli, W/o. Ramakrishnan, No.17, Meenachiamman Koil St., Thondamanatham Puducherry.	Rs. 4, 91, 914/-
15.	J. Krishnaveni, W/o Janakiraman, No.48, Nadutheru, Pillaiyarkuppam, Puducherry.	Rs. 4, 60, 363/-
16.	K. Vijaya, W/o. Kalivarathan, No, 30, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 4, 91, 915/-
17.	P. Kalvikarasi, W/o. Periannan, No.159, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 4, 91, 914/-
18.	Porkalai, W/o. Kannayan, No.16, Mariamman Koil Street, Pillaiyarkuppam, Puducherry.	Rs. 4, 35, 599/-
Total		Rs.88,22,673/-

Page No: 6

No. of Corrections:

62/63

**ASHOK KUMAR**  
SECRETARY TO GOVERNMENT (LABOUR)  
CHIEF SECRETARIAT  
PUDUCHERRY