

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL)..... Diary No(s).11156/2020

(Arising out of impugned final judgment and order dated 07-05-2020 in WPC No. 11573/2020 passed by the High Court Of Orissa At Cuttack)

UNION OF INDIA

Petitioner(s)

VERSUS

NARAYAN CHANDRA JENA & ANR.

Respondent(s)

Date : 08-05-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE B.R. GAVAI

For Petitioner(s)

Mr. Tushar Mehta, SG
Mr. Kanu Agrawal, Adv.
Mr. B. V. Balaram Das, AOR

For Respondent(s)

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

The Court is convened through video conferencing.

Permission to file special leave petition is allowed.

Heard Shri Tushar Mehta, learned Solicitor General for the
Union of India.Learned Solicitor General has submitted that Orissa High Court
has passed an interim order dated 07.05.2020 to the following
effect:-Heard Mr. Narayan Chandra Jena, the
petitioner in person, Mr. Budhadev Routray,
learned Senior Advocate as well as learned
Advocate General.

An extra copy of the writ petition be served

on learned Addl. Government Advocate appearing for the State.

Put up this mater on the next sitting of the Bench, on which date necessary interim order shall be passed.

In the meantime, State Government should ensure that all the migrants who are in queue to come to Odisha should be tested negative of COVID-19 before boarding the conveyance.

A free copy of this order be made available to learned Additional Government Advocate."

Learned Solicitor General submits that the order dated 29.04.2020 of the Government of India, Ministry of Home Affairs and guidelines issued thereafter, Clause c, d, e & f provides as follows:-

"c. The moving person(s) would be screened and those found asymptomatic would be allowed to proceed.

d. Buses shall be used for transport of groups of persons. The bushes will be sanitized and shall follow safe social distancing norms in seating.

e. The States/UTs falling on the transit route will allow the passage of such persons to the receiving State/UT.

f. On arrival at their destination, such person(s) would be assessed by the local health authorities, and kept in home quarantine, unless the assessment requires keeping the person(s) in institutional quarantine. They would be kept under watch with periodic health check-ups. For this purpose, such persons may be encourages to use Aarogya Setu app through which their health status can be monitored and tracked."

Learned Solicitor General submits that while boarding trains all the stranded migrants are screened and only those who found as asymptomatic are allowed to proceed.

We are of the view that the order of the Government of India

dated 29.04.2020 provides ample protection. It appears that before the High Court the order of the Government of India dated 29.04.2020 and the guidelines were neither brought into the notice nor were under challenge.

In view of the aforesaid, we stay the interim order dated 07.05.2020. We further clarify that the stranded migrants shall be dealt with as per the order/guidelines of the Government of India dated 29.04.2020 read with the guidelines dated 01.05.2020 issued thereunder by the Government of India, Ministry of Home Affairs.

Issue notice.

(ARJUN BISHT)
COURT MASTER (SH)

(VIRENDER SINGH)
BRANCH OFFICER