

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH.

W.P.No.21348 of 2016
and
W.M.P.No.18277 of 2016

Mr.M.Venkatraman ...Petitioner

versus

1.The Secretary,
Tamil Nadu Manual Workers Social Security and
Welfare Board No.G - 133, Chinthamani Complex,
G - Block, 1st Main Road, Anna Nagar East,
Chennai - 600 102.

2.The Labour Officer,
Social Security Scheme,
No.274 D, State Bank Lane,
Ooty, Nilgris - (district) ...Respondents

Prayer: Writ Petition filed under Article 226 of
Constitution of India praying for issuance of a Writ of
Certiorairfied Mandamus to call for records in respect of the
impugned letter in Na.Ka.A/165/2015, dated 03.03.2016 of the
second respondent and to quash the same as null and void and
consequently direct the respondents to sanction monthly
pension to the petitioner from June 2010 and continues to pay
the same till his life time under the Tamil Nadu Tailoring
workers Social Security and Welfare Scheme 2006.

For Petitioner : Mr.K.Lavan

For Respondents : Mr.V.Jayaprakash Narayanan

ORDER

The prayer in the writ petition is to issue a Writ
of Certiorari Mandamus to call for records in respect of the
impugned letter in Na.Ka.A/165/2015, dated 03.03.2016 of the
second respondent and to quash the same, as null and void and
consequently, to direct the respondents to sanction monthly
pension to the petitioner from June 2010 and continues to pay
the same till his life time under the Tamil Nadu Tailoring
workers Social Security and Welfare Scheme 2006.

2. The petitioner is the self employee Tailor. He became a member in Tamil Nadu Tailoring Workers Social Security and Welfare Scheme 2006. The manual worker, whose name has been registered in the Tamil Nadu Manual Workers Welfare Scheme, shall renew his registration before expiry of two years. Unfortunately, the petitioner has not renewed it in time.

3. The petitioner, thereafter renewed it in the year 2008. His request for pension was rejected on the ground that he has to be a member in the Board continuously for a period of not less than five years and he has not renewed between 2002 and 2008.

4. It appears that the Scheme was amended by the Government Order passed in G.O(Ms)No.36, Labour and Employment (1-2) Department, dated 28.02.2011. as follows.

"Every register manual worker who has completed 60 years of age is eligible for pension.

8. The above amendment is applicable only those who are completed 60 years of age on or after 28.02.2011. In the case of petitioner, this amendment is not applicable because he completed 60 years of age on 30.05.2010."

5. The fact that the petitioner was eligible to be a member of the Scheme, is not in dispute. Further, the fact that he renewed it in the year 2008, is not in dispute. Admittedly, he has completed the age of 60 years. The scheme is the welfare one. Though the petitioner has not renewed the membership for 5 years continuously, the fact that he is eligible and got himself renewed in the year 2008, would be enough to make him entitled for the scheme benefit. Especially, when Section 18(1) has been amended, thereafter, by removing the restrictions of 60 years, the amendment has to be applied in favour of the petitioner as otherwise it will create a parity between those, who have retired prior and after to the date of the government order.

6. Thus, considering the object of the amendment and taking note of the fact that the petitioner is otherwise entitled to, this Court is inclined to set aside the order impugned.

7. Accordingly, the order impugned is hereby set aside and the writ petition is allowed. Consequently, the respondents are directed to grant pension to the petitioner by treating him on par with those who have retired after 28.02.2011 and pass appropriate orders in this regard within a period of eight weeks from the date of receipt of a copy of

this order. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Secretary,

Tamil Nadu Manual Workers Social Security and
Welfare Board No.G - 133, Chinthamani Complex
G - Block, 1st Main Road, Anna Nagar East,
Chennai - 600 102.

2.The Labour Officer,

Social Security Scheme
No.274 D, State bank Lane
Ooty, Nilgris - (district)

+ 1CC to Mr.K.Lavan, Advocate, SR17462

+ 1cc to Mr.V.Jayaprakash Narayanan, Advocate SR.17679

+ 1cc to Govt Pleader, SR17351

W.P.No.21348 of 2016

SCD(CO)
CB(06-04-2017)



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