

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.03.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD)No.3461 of 2018**

Gandhi

... Petitioner

-Vs-

1. The Tamil Nadu Manual Workers Welfare Board,
Represented by its Secretary,
G133, Chinthamani Co-operative Commercial Complex,
Anna Nagar East, Chennai-600 102.

2. The Labour Officer (Social Security Scheme),
Tamil Nadu Housing Board Building (First Floor),
Ellis Nagar, Madurai-16.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings Na.Ka.No.11155/15 dated 14.09.2017 and quash the same, consequently directing the second respondent to disburse a pension to the petitioner from the date of application dated 20.07.2015 along with all arrears and other benefits to the petitioner from 20.07.2015 onwards within the stipulated time.

For Petitioner : Mrs.S.Banumathy

For Respondents : Mr.M.Jeyakumar
Additional Government Pleader**ORDER**

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner applied for pensionary benefits in terms of the Tamil Nadu Manual Workers Social Security Welfare Scheme 2006. The petitioner gave her explanation on 20.07.2015. The said application was allowed on 14.09.2017. But the stand of the Authority is that the petitioner will be paid her pension under



the said scheme only from the date when the application was allowed and approved. The petitioner is aggrieved by this condition alone.

4. According to the petitioner, she must be given her pensionary benefits from the date of her application.

5. This Court is in agreement with the said contention raised by the learned counsel for the petitioner. If the Writ Petitioner is entitled to get the benefits of the scheme, the benefits must flow to her from the date of her application. If the contention of the respondent that the benefits will be given only from the date when the application is allowed, then the respondent can keep the application pending for a long time and thereby deprive the applicant of the benefits due to her. In the present case, the application was given on 20.07.2015. The application was approved only after a gap of two years and two months. The Writ Petition cannot be penalized for the delay in approving the application.

6. The learned counsel for the petitioner also brought to the notice of this Court that in similar circumstances, this Court by order dated 19.06.2014, in ***W.P. (MD). No. 30028 of 2013- (M. Jothi Vs. Tamil Nadu Manual Workers Welfare Board, Chennai-600 102)***, held that the applicant must be paid pension from the date of her application.

7. Following the said order, the order impugned in the Writ Petition dated 14.09.2017 stands quashed. Accordingly, the Writ Petition stands allowed. The Pensionary benefits will accrue from the date of application. The respondents are directed to quantify the arrears payable to the petitioner from the date of her application viz., 20.07.2015 and disburse within a period of six weeks from the date of receipt of a copy of this order. No costs.

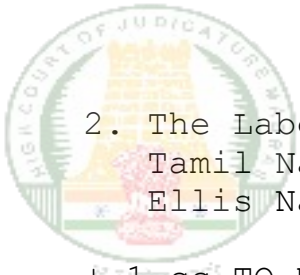
Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Tamil Nadu Manual Workers Welfare Board,
G133, Chinthamani Co-operative Commercial Complex,
Anna Nagar East, Chennai-600 102.



2. The Labour Officer (Social Security Scheme),
Tamil Nadu Housing Board Building (First Floor),
Ellis Nagar, Madurai-16.

+1 cc TO Mrs.Banumathy , Advocate in SR No. 57754

+1 cc TO The Special Government Pleader in SR No. 58485

tsg

AE/KKR/SAR2/31.05.2018/3P/5C

W.P. (MD) No.3461 of 2018
26.03.2018