



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.02.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.14780 of 2014

and

M.P. (MD) .No.1 of 2014

Smt.Mariyathangam

...Petitioner

Vs.

The Labour Officer,
(Social Security Scheme),
Nagercoil.

...Respondent

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent order in Na.Ka.No.2816 of 2012, dated 20.09.2013 and to set aside the same and consequently sanction the death benefit to the petitioner to the death of her husband Mr.George, under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, within the period stipulated by this Court.

For Petitioner

: Mr.A.Haja Mohideen

For Respondent

: Mr.K.Saravanan

Government Advocate

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's husband was a construction worker. He has registered his name with the respondent under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, in the year 1994. He was issued with the Identity Card incorporating the Registration No.29MZDR/1217. The petitioner's husband was engaged in construction work in Kerala on 13.12.2011. When he was engaged in the construction work, he fell down from the second floor of the building and he was admitted in the Medical College Hospital, Thiruvananthapuram. He died on the same Day. Crime No.1887 of 2011 is registered, on the file of the Nedumangad Police Station. The petitioner applied for sanctioning the death benefits under the scheme. Her request was denied by order dated



20.09.2013, on the ground that the death took place outside the State of Tamil Nadu. Though the impugned order is well founded, this Court will have to necessarily take into account the subsequent clarification issued by the competent authority. The Tamil Nadu Construction Workers Welfare Board had issued proceedings dated 14.07.2015, to the effect that if a registered worker dies outside the State of Tamil Nadu then also the death benefits can be sanctioned. In view of the subsequent clarification, provided by the Board, the impugned order will have to be quashed.

4. Therefore, the respondent is directed to disburse the death benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands partly allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To
The Labour Officer,
(Social Security Scheme),
Nagercoil.

+1cc to M/s. Special Government Pleader, SR.No. 49640
+1cc to Mr.A.HAJA MOHIDEEN, Advocate, SR.No.49598

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