



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12154 of 2017

and

WMP(MD) Nos.9369 & 9370 of 2017

Lokambal

... Petitioner

Vs.

1.The Principal Secretary,
Labour and Employment (I 2) Department,
Fort St George, Chennai - 9.

2.The Principal Secretary,
Finance Department,
Fort St George, Chennai - 9.

3.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai - 6.

4.The District Collector,
Office of the District Collectorate,
Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order letter No.W1/7042/2017 dated 20.03.2017 issued by the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondents to provide compensation of Rs.5 lakhs for the death of petitioner's deceased husband as in accordance with the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 within the time period.

For petitioner : Mr.S.Rajasekar

For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader

ORDER

The petitioner's husband Thiru.Rajendran was a construction worker. When he was working on 16.04.2016 at Vennala, he sustained



injuries due to a fall and later died on 18.04.2016. The petitioner sought compensation as per the provisions of Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994. According to the petitioner, she is entitled to be paid a sum of Rs.5.00 lakhs. However, the second respondent declined to disburse the said amount and passed the impugned order dated 20.03.2017 to that effect.

2.The learned counsel for the petitioner contended that the petitioner would be entitled to receive compensation on account of her husband's death even though it took place outside the State of Tamil Nadu.

3.This Court is unable to agree. In the very nature of things, the provisions of Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 can apply only within the State of Tamil Nadu. It is clear from very title of the Act. It states that it is "An Act for regulating the employment of manual workers employed in certain employments in the State of Tamil Nadu and conditions of their work and security of their employments and for certain other matters connected therewith".

4.Therefore, the provisions of the said Act cannot be invoked in respect of an event that took place outside the State of Tamil Nadu. The petitioner's husband was not registered in terms of the welfare scheme that was framed pursuant to the said Act.

5.The learned counsel for the petitioner is not in a position to refer to any circular or instructions by which the right to receive compensation has been conferred.

6.This Court is of the view that the reasons assigned in the impugned order are certainly sound in law. This Court finds no merit in this writ petition. It is made clear that the dismissal of this writ petition will not come in the way of the petitioner pursuing her claim otherwise and in accordance with law.

7.With these observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar



To

1.The Principal Secretary,
Labour and Employment (I 2) Department,
Fort St George, Chennai - 9.

2.The Principal Secretary,
Finance Department,
Fort St George, Chennai - 9.

3.The Commissioner of Labour,
Office of the Commissioner of Labour,
Chennai - 6.

4.The District Collector,
Office of the District Collectorate,
Trichy District.

+1. C.C. to Special Government Pleader SR.No.48643.

W.P. (MD) No.12154 of 2017
and
WMP (MD) Nos.9369 & 9370 of 2017
12.02.2018

skm
SDS/PN/SAR-1/30.05.2018/3P/6C