



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.12324 of 2017andW.M.P. (MD) No.9489 of 2017

Balakrishnan

... Petitioner

Vs.

1.The Chairman,
Tamilnadu Construction
Workers Welfare Board,
No.3, Valluvarkottam Road,
Nungambakkam,
Chennai - 600 034.

2.The Labour Officer,
Special Protection Scheme,
Construction Workers Welfare Board,
No.372, Rajaram Road,
K.K.Nagar, Trichy.

... Respondents

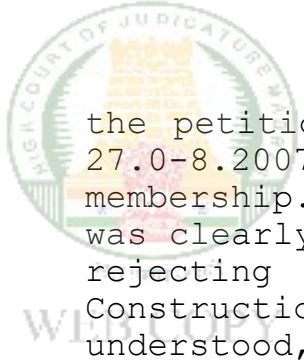
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings Na.Ka.No.8753/2011 dated 24.02.2016 and quash the same as illegal and further direct the 1st respondent herein to sanction pension to the petitioner as per G.O. (D) No.486 dated 31.03.2005, Labour and Employment (I-1) Department, within a time stipulated by this Court.

For Petitioner	: Mr.R.Yamuna for Mr.S.Gopalamanikandan
For Respondents	: Mrs.Srimathi, Spl. G.P.

ORDER

The petitioner was a member of Tamilnadu Construction Workers Welfare Board since 01.09.1997. He was issued with a registered membership card. He reached the age of 60 years in the year 2010. Claiming pension, the petitioner moved the second respondent on 28.02.2011. Though the second respondent endorsed in favour of the petitioner, pension was not given. Subsequently, by an order dated 24.02.2016, the request of the petitioner was rejected on the ground that when he reached the age of 60, he was not a registered employee for 5 years. This is questioned in this writ petition.

2.The petitioner has enclosed the copy of his registration card in the typed set of papers. It can be seen therefrom that the petitioner became member as early as on 01.09.1997. On 31.08.2005,



the petitioner had paid the renewal fee. It is also seen that on 27.0-8.2007 and again on 09.11.2009, the petitioner had renewed the membership. The petitioner reached the age of 60 on 01.07.2010. He was clearly a member on the said date. There is no justification in rejecting the petitioner's claim. The provisions of Tamil Nadu Construction Workers Welfare Scheme, 1994 must be benevolently understood, interpreted and applied. This is because, it is a beneficial scheme entitled to extend the benefit to construction workers. G.O.(D) No.486 dated 31.03.2005 issued by the Labour and Employment department states that every registered manual worker who has completed 60 years of age is eligible for pension. If they continued as such worker for a continuous period of not less than five years. In this case, it is seen that the renewals were made in 2005, 2007 and in 2009. Hence, the reason set out in the impugned order is incorrect. The impugned order is quashed. The first respondents is directed to sanction pension to the petitioner and also disburse the arrears, within a period of 8 weeks from the date of receipt of a copy of this order.

3.The writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman,
Tamilnadu Construction
Workers Welfare Board,
No.3, Valluvarkottam Road,
Nungambakkam,
Chennai - 600 034.
- 2.The Labour Officer,
Special Protection Scheme,
Construction Workers Welfare Board,
No.372, Rajaram Road,
K.K.Nagar, Trichy.

+1cc to M/S.S.Gopalamanikandan, Advocate SR.No. 47721
+1cc to Special Government Pleader, SR.No. 48243

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and

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