



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 10.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.9868 of 2016

G.V.Gnaneswaran

... Petitioner

Vs.

The Labour Welfare Officer,
Welfare of Handloom weavers'
Labour Scheme,
Social Welfare Department Labour
Board,
Ellis Nagar, Madurai District.

... Respondent

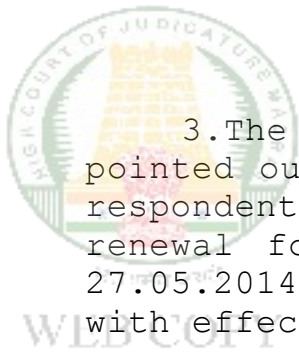
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the respondent bearing Na.Ka.No.1458 of 2015 dated 04.12.2015 and quash the same and consequently direct the respondent to issue a "Handloom weavers" aged old pension scheme in Reg.No.22HHSW6723 dated 30.04.2007 based on the petitioner's application dated 03.02.2012 to disburse the aged old pension with arrears.

For Petitioner	: Mr.J.Vijayaraja
For Respondent	: Mr.M.Jeyakumar, Addl. Govt. Pleader

O R D E R

The writ petitioner was enrolled as a member of Tamil Nadu Handloom and Handloom Weaver Welfare Board on 30.04.2007. His Registration No.22HHSW6723. The writ petitioner had reached the age of 60 years on 20.10.2011. He therefore wanted the respondent to pay the monthly pension payable to him under the said scheme.

2.The respondent by the impugned order dated 04.12.2015 declined the request of the writ petitioner. The ground set out in the said impugned order is that the writ petitioner failed to renew his registration and that therefore he was not eligible to claim any benefit under the said scheme. Since, on 20.10.2011, the writ petitioner reached the age of 60, he became ineligible to become the member thereafter. The writ petitioner is obviously in indigent circumstances. This writ petition has been filed through the assistance of legal aid counsel.



3.The learned counsel appearing for the writ petitioner pointed out that in the writ petitioner's pass book issued by the respondent, entries have been made to the effect that there was no renewal for the period from 29.04.2011 to 27.05.2012 and again 27.05.2014 to 01.06.2014. However, the membership was renewed with effect from 02.06.2014 and it was in force till 01.06.2016.

4.The case of the respondent is that since the writ petitioner had reached the age of 60 on 20.10.2011, a subsequent renewal of membership was inconsequential.

5.I am of the view that the respondent had approached the issue from a very narrow and technical angle. The scheme was introduced as a social welfare measure. Clause 14(3) of the said scheme enables the respondent to re-admit the registered worker after due verification. In this case, the respondent had already re-admitted the writ petitioner on 02.06.2014. Since the writ petitioner had already been re-admitted, the question of denying the benefits under the said scheme will not arise.

6.In this view of the matter, the order impugned in this writ petition is quashed. The respondent is directed to disburse the old age pension amounts of the writ petitioner with arrears within a period of eight weeks from the date of receipt of a copy of this order and shall continue to pay the monthly pension to the writ petitioner. This writ petition is allowed. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The Labour Welfare Officer,
Welfare of Handloom weavers' Labour Scheme,
Social Welfare Department Labour Board,
Ellis Nagar, Madurai District.

+ 1 cc TO Mr.J.Vijayaraja , Advocate in SR No. 41654
+ 1 cc TO The Special Government Pleader in SR No. 41731

skm

AE/JC/SAR4/31.01.2018/2P/4C