

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3322 of 2004

Dr.Ambedkhar Sumai Etruvore and Irrakuvore
Sangam, rep.by its Secretary,
Thiru.V.Rajendiran,
63/80, Anna Street,
Ayyappan Nagar, Koyambedu,
Chennai - 600 107

..Petitioner

vs

The Secretary to Government,
Department of Labour & Employment,
Fort St.George,
Chennai - 600 009

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent Government to frame a scheme for the manual workers employed in Koyambedu Market so as to secure them security of employment and social security benefits such as Gratuity, Provident Fund, Health care and treat the petitioner union as representative of the workers in the Board to be constituted for such purpose and issue such further or other appropriate orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case, award costs and thus render justice.

For Petitioner : M/s.M.Karthikeyani
For M/s.Ramapriya Gopalakrishnan

For Respondent : Mr.J.Ramesh
Additional Government Pleader

W R I T
O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent Government to frame a scheme for the manual workers employed in Koyambedu Market so as to secure them security of employment and social security benefits such as Gratuity, Provident Fund, Health care and treat the petitioner union as representative of the workers in the Board to be constituted for such purpose and issue such further or other appropriate orders.

2. The writ petitioner is a Sangam and filed the writ petition for a direction to formulate a scheme for the welfare of the Manual workers working in Koyambedu Market.

3. The Sangam is registered in order to protect the interests of the Manual workers and to serve for the welfare for the workers. Though framing of a scheme is a Policy decision to be taken by the Government, the writ petition is filed in view of the fact that the Government has not initiated steps to formulate the scheme for the welfare of the workers.

4. However, the learned Additional Government Pleader appearing on behalf of the respondent brought to the notice of this Court that various welfare schemes are implemented for the welfare of the Manual workers and under the provisions of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982. The Board is also constituted and accordingly, all the members of the writ petitioner Sangam have to register their name in the Board. As per the Schedule of employments in Annexure-I, it is categorically stated that the benefit of the work can be extended in respect of the employment in connection with loading, unloading, stacking, packing carrying, weighing, measuring or such other manual work including work preparatory or incidental to such operation."

5. In view of the fact that already the Board constituted is functioning and the writ petitioner Sangam and its workers have to approach the appropriate authority for registration of their names so as to avail the benefits granted under the provisions of the Act as well as under the schemes introduced by the Government then and there for the welfare of these workers.

6. In view of the fact that pursuant to the Act, the Board is also functioning, the members of the petitioner Sangam is at liberty to approach the competent authorities for registration of their names for the purpose of availing the benefits, if any implemented by the Government for the welfare of these Manual workers.

7. With these directions, the writ petition stands disposed of. However, there shall be no order as to costs.

kak

Sd/-

Assistant Registrar(CJ Conf.)

//True Copy//

Sub Assistant Registrar

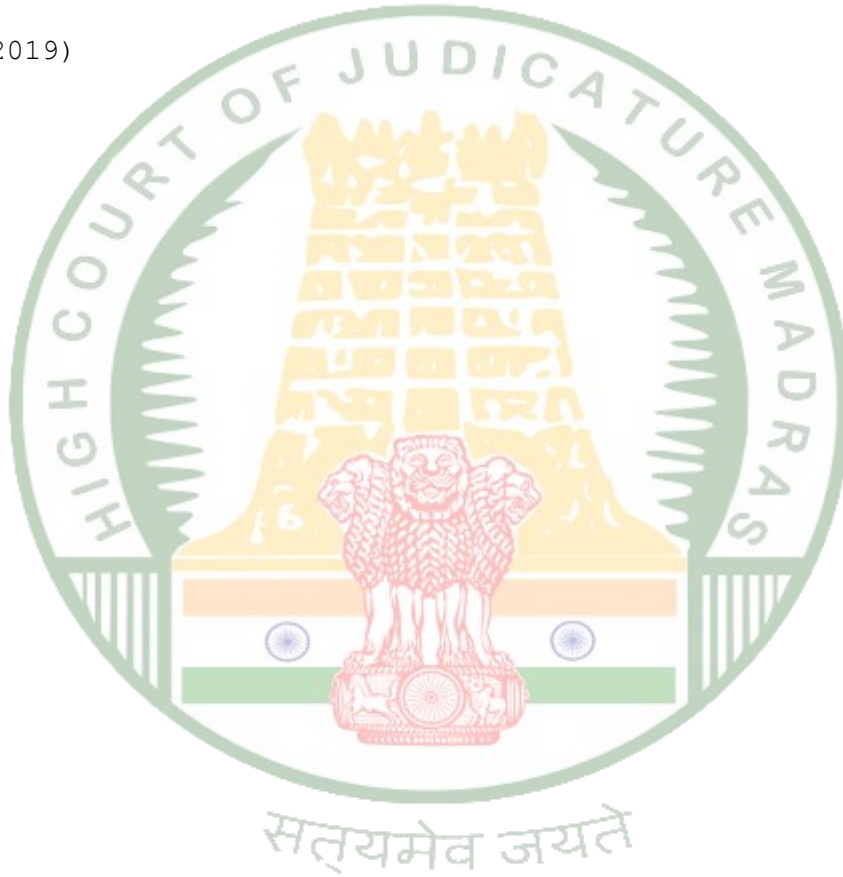
To

The Secretary to Government,
Department of Labour & Employment,
Fort St.George,
Chennai - 600 009.

+1cc to Mr.K.Sudalaikannu, Advocate, SR.No.84661
+1cc to the Govt.Pleader, Vide Sr.No.85517

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Kak(05/11/2019)



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