

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.11.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.20086 of 2013
and
M.P.No.2 of 2013

Nethaji Kattumana Amaippu Sara
Matrum Pothu Thozhilalargal Nala Sangam,
Rep., by its President,
P.Ganesan.

.. Petitioner

-vs-

1.The Secretary,
Welfare Board of Manual Workers,
No.8, Valluvarkottam Salai,
Chennai-600 034.

2.The Labour Officer,
Social Security Scheme,
Sankar Nagar,
Salem-7.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus
directing the 2nd respondent to cause produce the records
pertaining to the proceedings No.ந/க/எண்/அ1/12424/10-18, dated
29.04.2013 and quash the same, consequently direct the 2nd
respondent to clear all the files relating to the petitioner
association.

For Petitioner : Mr.T.S.N.Prabhakaran

For Respondents : Mr.J.Ramesh,
Additional Government Pleader

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ORDER

The order dated 29.04.2013, issued by the 2nd respondent,
claiming the natural death benefit granted in favour of the
members of the writ petitioner Sangam, is under challenge in the
present writ petition.

2.The impugned order dated 29.04.2013, states that the natural death benefit claims submitted by certain members of the writ petitioner Sangam were based on fraudulent death certificates and on verification, the authorities competent found that there is no such registration of death in the death registers and consequently, stopped grant of natural death benefit as per the scheme of the Government.

3.The members of the writ petitioner Sangam are the manual workers and for the benefit of the manual workers under the provisions of the Tamil Nadu Manual Workers (Regulation of Employment and condition of work) Act, 1982, certain welfare schemes were formulated and implemented. The Government implemented the welfare schemes such as educational assistance, marriage benefits, maternity benefits, death benefits, accidental benefits, old age pension, funeral assistant etc. In respect of certain members of the petitioners, the claim applications were filed with fraudulent death certificates. The authorities competent conducted verification in respect of the certificates produced by these claimants and found that there is no such entry in the death registers and came to a conclusion that the death certificates produced along with the claim applications were bogus one.

4.In respect of the details collected by the respondents, authorities competent, an opportunity was also granted to the writ petitioner Sangam and they could not able to establish that the certificates produced by them are genuine. Under those circumstances, the impugned order has been passed stating that the claimants are not entitled for the natural death benefit, as the certificates submitted by them were found fraudulent and based on fraudulent one.

5.This Court is of an opinion that welfare schemes are implemented for the welfare of these manual labourers. The schemes are to be granted strictly in accordance with the terms and conditions of the scheme. The Certificates produced by the claimants are to be verified and the genuinity or otherwise are to be ascertained at the time of verification. The authorities competent found that the death certificates produced by these claimants were bogus and no explanation was submitted, nor the genuinity of the certificates was established by the petitioner. This being the factum, this Court is of a considered opinion that there is no infirmity as such in respect of the impugned order passed by the 2nd respondent in proceedings dated 29.04.2013, and undoubtedly, the claimants, who all are submitting the genuine certificates alone are entitled to avail the benefit of the scheme and therefore, the writ petitioner Sangam, representing their members, is not entitled for any relief as such sought for in the present writ petition.

6. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

// True Copy//

Sub Assistant Registrar

abr

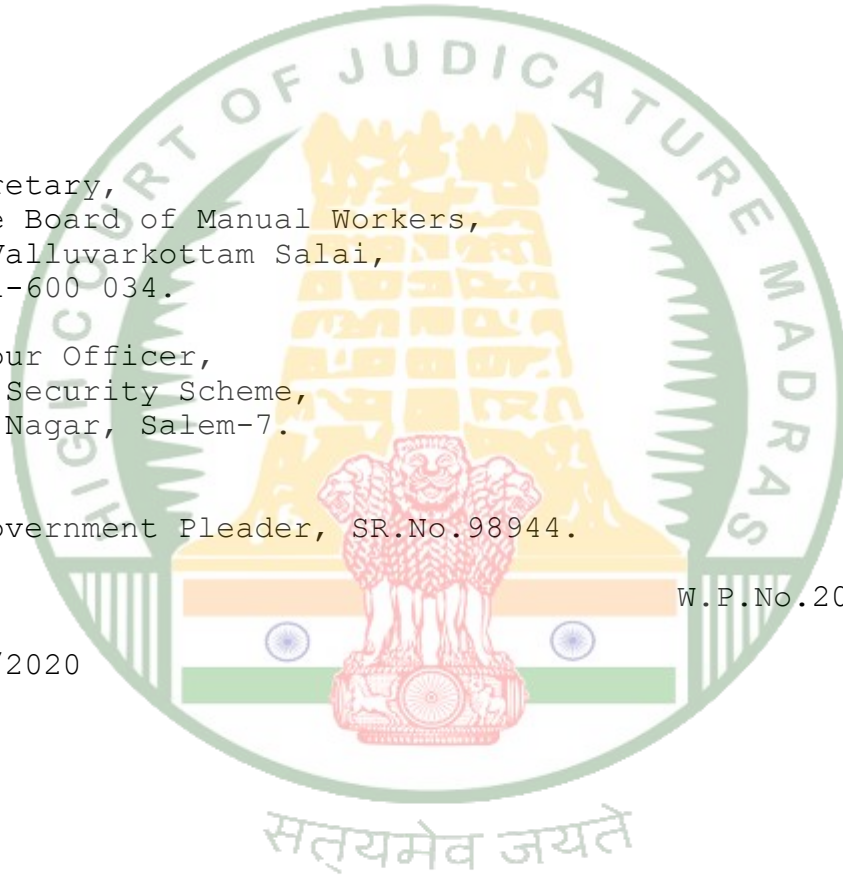
To

1. The Secretary,
Welfare Board of Manual Workers,
No.8, Valluvarkottam Salai,
Chennai-600 034.
2. The Labour Officer,
Social Security Scheme,
Sankar Nagar, Salem-7.

+1cc to Government Pleader, SR.No.98944.

W.P.No.20086 of 2013

PP (CO)
CSR:21/01/2020



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