

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.Nos.16496 & 16497 of 2014
and
M.P.Nos.1 & 2 of 2014

W.P.No.16496 of 2014 :-

M/s.Salem, Namakkal, Erode, Dharmapuri Matrum
Viluppuram Mavatta Naparani Amaippusara Matrum
Kattumana Tholilalargal Sangam,
(Registration No.1245/SLM),
Rep., by its President,
Mr.M.Panneerselvam, Thumbal,
Attur Taluk, Salem District. ... Petitioner

-vs-

- 1.Tamilnadu Construction Workers Welfare Board,
Rep., by its Chariman,
No.8, Valluvarkottam Main Road,
Nungambakkam, Chennai-600 034.
- 2.The Labour Office,
Rep., by Labour Officer (LOSSS),
Social Security Scheme,
No.7, Cholan Street, Salem-7. .. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records of impugned proceedings in Na.Ka.No.A1/12424/10 dated
29.04.2013, in so far as petitioner union is concerned in item
No.1 issued by the 2nd respondent herein and quash the same.

W.P.No.16497 of 2014 :-

M/s.Akila India Pandihotta Kal Udaikkum Kattumanam
Matrum Amaippusara Podunala Sangam,
(Registration No.1332/SLM),
Rep., by its President, Mr.P.Kaliyaperumal,
Kesavaperumal Koil Street,
Kandasamy Pudur, Attur Taluk,
Salem District. ... Petitioner

-vs-

1.Tamilnadu Construction Workers Welfare Board,
Rep., by its Chariman,
No.8, Valluvarkottam Main Road,
Nungambakkam, Chennai-600 034.

2.The Labour Office,
Rep., by Labour Officer (LOSSS),
Social Security Scheme,
No.7, Cholan Street, Salem-7.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorari to call for the
records of impugned proceedings in Na.Ka.No.A1/12424/10-22 dated
29.04.2013 issued by the 2nd respondent herein and quash the
same.

For Petitioner : Mr.S.Anandakumar
(In both W.Ps.)

For Respondents: Mr.J.Ramesh,
(In both W.Ps.) Additional Government Pleader

COMMON ORDER

The orders dated 29.04.2013, issued by the 2nd respondent
claiming the natural death benefit granted in favour of the
members of the writ petitioners Sangam are under challenge in
these present writ petitions.

2.The impugned orders dated 29.04.2013, state that the
natural death benefit claims submitted by certain members of the
writ petitioners 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 petitioners 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. In this regard, the 2nd respondent Labour Officer, Social Security Scheme, filed a counter affidavit in W.P.No.16496 of 2014 and for better appreciation, para 6 of the said counter affidavit is extracted hereunder:-

"6. It is submitted that four Natural Death Benefit Claim applications submitted by the nominees of the following registered workers namely, 1.Mr.Annamalai, Reg. No. 06/ERTH/127698; 2.Mr.Muthusamy, Reg. No. 06/ERTH/171339; 3.Mr.Subramani, Reg. No. 06/MZDR/78654; 4.Mrs.Kuppayi, Reg. No. 06/MZDR/153082. These Applications were countersigned by the Petitioner Trade Union certifying the correctness of the claims.

The first one pertaining to Mr.Annamalai, S/o.Nallasella, Registration number 06/ERTH/127698 dated 22.02.2006 certified by the petitioner trade union and submitted to this office on 22.02.2009 claiming natural death benefit of Rs.17000/-. This benefit was sanctioned by this office on 25.06.2010 based on the strength of documents. On verification by the Assistant Inspector of Labour (AIL) with the revenue authorities it was found that there was no death registration in the name of Annamalai death register of Seeliampatti Village and the death certificate was not issued by the concerned Village Administrative Officer.

The second application pertaining to Mr.Muthusamy, S/o.Appachi Gounder, Registration number : 06/ERTH/171339 dated 02.06.2008 certified by the petitioner trade union and submitted to this office on 23.09.2009 claiming natural death benefit of Rs.17000/-. The benefit was sanctioned by this office on 17.06.2010 based on the strength of documents. On verification by the Assistant Inspector of Labour (AIL) with the revenue authorities it was found that there was no death registration in the name of Muthusamy, S/o.Appachi Gounder in the death register Manivilunthan Village on 20.07.2009.

The third natural death benefit claim application pertaining to Mr.Subramani,

S/o.Vaiyapuri, Reg No: 06/MZDR/78654 dated 24.06.2004 certified by the petitioner trade union and submitted to this office on 26.05.2009 claiming natural death benefit of Rs.17000/-. The benefit was sanctioned by this office on 12.04.2010 based on the strength of documents. On verification by the Assistant Inspector of Labour (AIL) with the revenue authorities it was found that there was no death registration in the name of Subramani, S/o.Vaiyapuri in Saarvai village's death registration record.

The fourth natural death benefit claim application pertaining to Mrs.Kuppai, W/o.Palani, Registration number 06/MZDR/153082 dated 02.11.2007 (copy enclosed) certified by the petitioner trade union and submitted to this office on 24.05.2010 claiming natural death benefit of Rs.17000/-. The benefit was not sanctioned because the claim application was countersigned by Mr.M.Panneerselvam without the signature of the applicant."

4.In respect of the details collected by the respondents, authorities competent, an opportunity was also granted to the writ petitioners Sangam and they could not able to establish that the certificates produced by them are genuine. Under those circumstances, the impugned orders have been passed stating that the claimants are not entitled for the natural death benefit claim, 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 petitioners. This being the factum, this Court is of a considered opinion that there is no infirmity as such in respect of the impugned orders 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 petitioners Sangam, representing their members, are not entitled for any relief as such sought for in the present writ petitions.

6. Accordingly, these writ petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

abr

To

1. The Chariman,
Tamilnadu Construction Workers Welfare Board,
No.8, Valluvarkottam Main Road,
Nungambakkam, Chennai-600 034.

2. The Labour Officer (LOSSS),
The Labour Office,
Social Security Scheme,
No.7, Cholan Street, Salem-7.

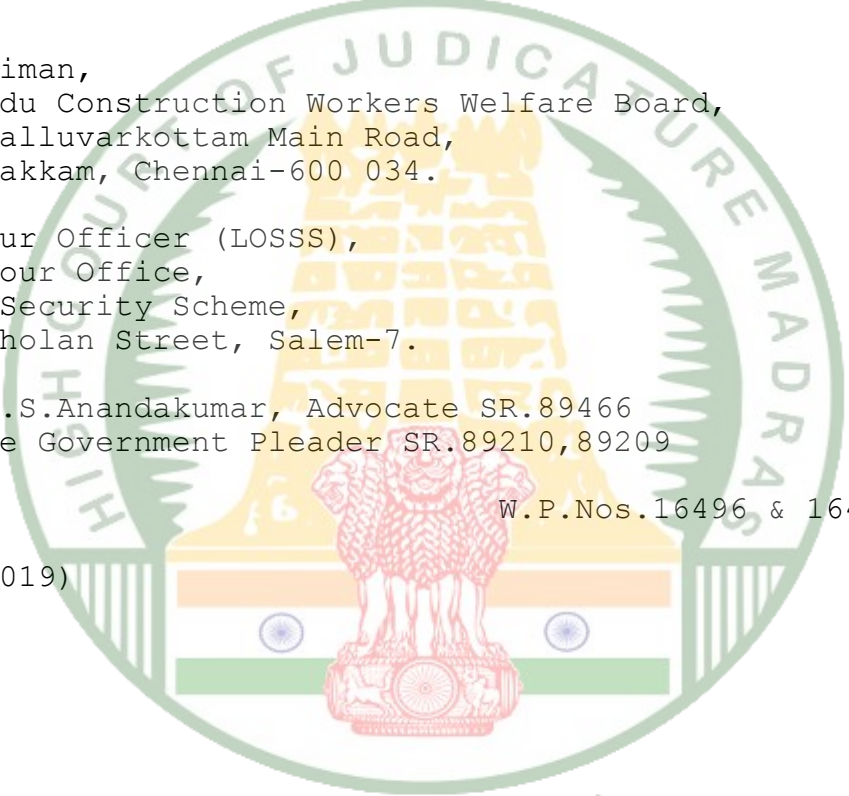
+2cc to Mr.S.Anandakumar, Advocate SR.89466

+1cc to the Government Pleader SR.89210,89209

W.P.Nos.16496 & 16497 of 2014

BS (CO)

CB (04/12/2019)



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