

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM

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

W.P.Nos.26615, 26625 and 26628 of 2019
and WMP.Nos.25993,25998, 26000,
26003, 26007 & 26008 of 2019

Neelakandan ...Petitioner in W.P.No.26615/2019

Arayee ...Petitioner in W.P.No.26625 of 2019

Neela ...Petitioner in W.P.No.26628 of 2019

Vs.

1. The Secretary,
Tamil Nadu Construction
Workers Welfare Board,
8, Valluvarkottam High Road,
Nungambakkam, Chennai - 34.
2. The Assistant Commissioner of Labour,
Social Welfare Scheme,
Collectorate Building,
Dharmapuri. ...Respondents in all W.Ps.

Common Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records of the 2nd respondent in Na.Ka.425/2018 dated 27.06.2018 and quash the same.

For Petitioner : Ms.M.Premikha
[in all W.Ps.]

For Respondent : Mr.M.Elumalai, Government Advocate
[in all W.Ps.]

COMMON ORDER

The order passed by the second respondent Assistant Commissioner of Labour dated 27.06.2018 in Na.Ka.425/2018 is sought to be quashed in the present writ petition.

2. The impugned order states that the application submitted by the writ petitioner for grant of pension under the scheme was rejected on the ground that the renewal was not effected and signature of the Assistant Commissioner of Labour was bogus.

3. The learned Government Advocate produced the files and the Assistant Commissioner of Labour Mrs.K.P.Indhiya is also present before this Court and assisted the learned Government Advocate. The learned Government Advocate brought to the notice of this Court that large number of bogus certificates were given for the purpose of claiming pension. In this regard, a police complaint was also given and the investigation is in progress.

4. This Court is of an opinion that these poor coolie workers are unaware of these certificates and the genuinity of the signature of the Assistant Commissioner. However, if they were involved in all these offences and if it is established during the investigation, all the offenders concerned are to be prosecuted by following the procedure contemplated. However, certain genuine cases where the applicant is not having any knowledge about certificate or otherwise, their cases are to be considered by the respondent under the scheme for sanction and disbursement of pension in accordance with the terms and conditions of the scheme.

5. In this regard, Assistant Commissioner of Labour is directed to fix a date for conduct of an enquiry and after collecting the details and particulars of the applicants and if the signatures are genuine, process the application and sanction the pension and disburse the same strictly in accordance with the terms and conditions of the scheme for grant of pension. Such an exercise of conducting an enquiry and process the application shall be done by the Assistant Commissioner of Labour, Social Welfare Scheme within a period of twelve(12) weeks from the date of receipt of a copy of this order.

With the above directions, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

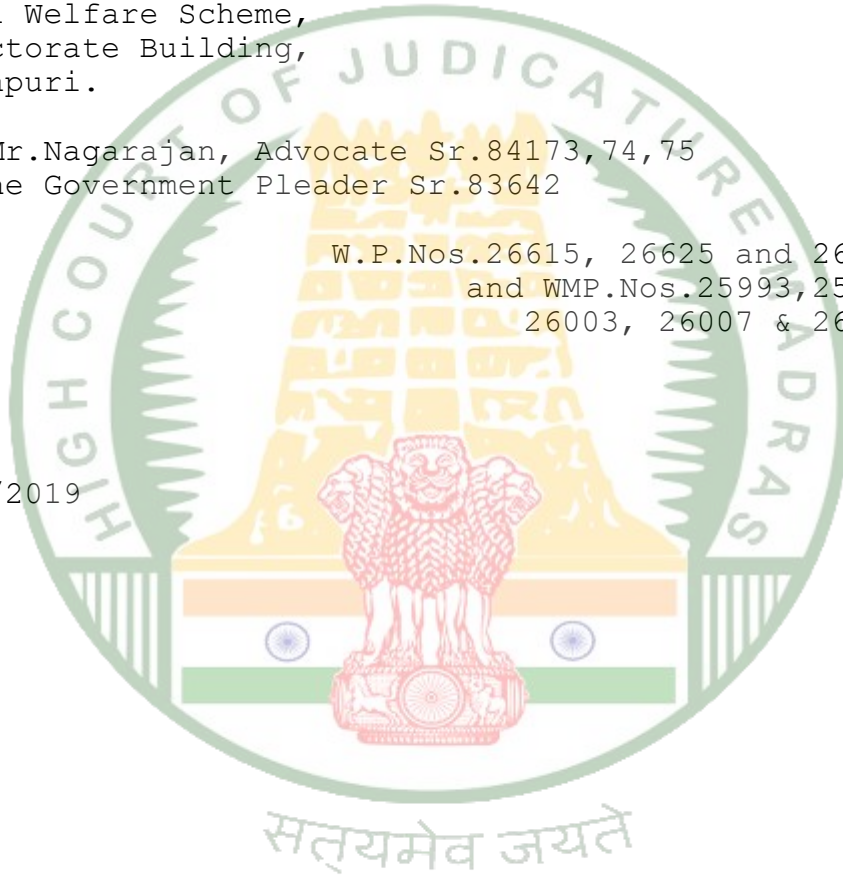
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+3ccs to Mr.Nagarajan, Advocate Sr.84173,74,75
+1cc to the Government Pleader Sr.83642

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mg[co]
srg 14/11/2019



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