

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.09.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27195 & 27201 of 2019

Muthammal ...Petitioner in W.P.No.27195 of 2019
Maheswari ...Petitioner in W.P.No.27201 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 both the WPs

Common Prayer: Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representations made by the petitioners dated 03.04.2018 & 26.11.2018 respectively and dispose the same forthwith.

For Petitioner : Mr.K.Nagarajan
(in both the WPs)
For Respondent : Mr.M.Elumalai, GA
(in both the WPs)

COMMON ORDER

The relief sought for in the present writ petitions is for a direction to consider the representations of the writ petitioners dated 03.04.2018 & 26.11.2018 respectively and dispose of the same.

2.The petitioners state that they are the members of the first respondent Board, bearing Nos.08/ERTH/84949 dated 25.11.2004 and 08/MZDR/122649 dated 25.04.2000 respectively and at the time of inception of the membership, the writ petitioners were aged about 52 & 35 years respectively. The writ petitioners contributed for the pension also, as they became the Member of the scheme itself. The grievance of the writ petitioners is that

they have now crossed the age of 50 years and pension as applicable has not been paid in favour of them. In this regard, the petitioners sent representation to the second respondent which has not been considered. Thus, the petitioners are constrained to move the present writ petitions.

3.The learned Government Advocate appearing on behalf of the respondents made a submission that in respect of eligible candidates, they are settling the pension under the scheme and as far as the present writ petitioners are concerned, they have to produce disability certificate, which is a requirement and in the event of producing the same, the case of the petitioners would be considered for grant of pension under the scheme.

4.Under these circumstances, the writ petitioners are at liberty to submit disability certificate, to be obtained from the Competent Authority and in the event of submitting any such Disability Certificate, the case of the writ petitioners are to be considered for grant of pension in accordance with the scheme, as expeditiously as possible.

5.With the above directions, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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.

+2 cc to M/s.K.Nagarajan, Advocate Sr.No. 84177 and 84179
+1 cc to The Government Pleader Sr.No.84557

AKM/14.11.19/2P- 6C /

WP.No.27195 & 27201 of 2019