

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.34869 of 2019

Pappathi
W/o.Gurusamy

...Petitioner

vs.

- 1.The Commissioner of Labour
D.M.S.Complex
Teynampet, Chennai-600 006.
 - 2.The Secretary
Tamil Nadu Construction Workers Welfare Board
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.
 - 3.The Assistant Commissioner of Labour
Tamil Nadu Construction Workers Welfare Board
Gorimedu,
Salem - 636 008.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to approve the application for pension made by the petitioner dated 23.01.2014 and to sanction and disburse the pension amount from the date of application.

For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.D.Suriyanarayanan
Additional Government Pleader

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O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice for the respondents. By consent of both the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the third respondent to approve the application of the petitioner dated 23.01.2014 seeking pension.

3. The case of the petitioner is that he is a manual worker and a member of the Trade Union and that the respondent/Department issued a identity card recognizing the petitioner as a member of the Tamil Nadu Manual Workers Welfare Board. It is the further case of the petitioner that as per the Welfare scheme, viz., Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 and Tamil Nadu Manual Workers Social Security and Welfare Scheme, 2006, the registered workers are entitled to get the pension, who have attained the age of 60 years. It is contended that the petitioner has completed the age of 60 years on 07.02.2014 and made an application seeking for pension on 23.01.2014. Since the said application has not been considered so far, the present writ petition is filed with the relief as stated supra.

4. This Court, at this stage is not expressing any view on the merits of the claim made by the petitioner, as it is for the third respondent to consider and decide the same. However, as the present writ petition is filed only for the limited relief for disposing the petitioner's application dated 23.01.2014, this Writ Petition is disposed of, only by directing the third respondent to consider the said application dated 23.01.2014 and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar (J)

// True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Labour
D.M.S.Complex,
Teynampet,
Chennai-600 006.

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2.The Secretary

Tamil Nadu Construction Workers Welfare Board
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034.

3.The Assistant Commissioner of Labour

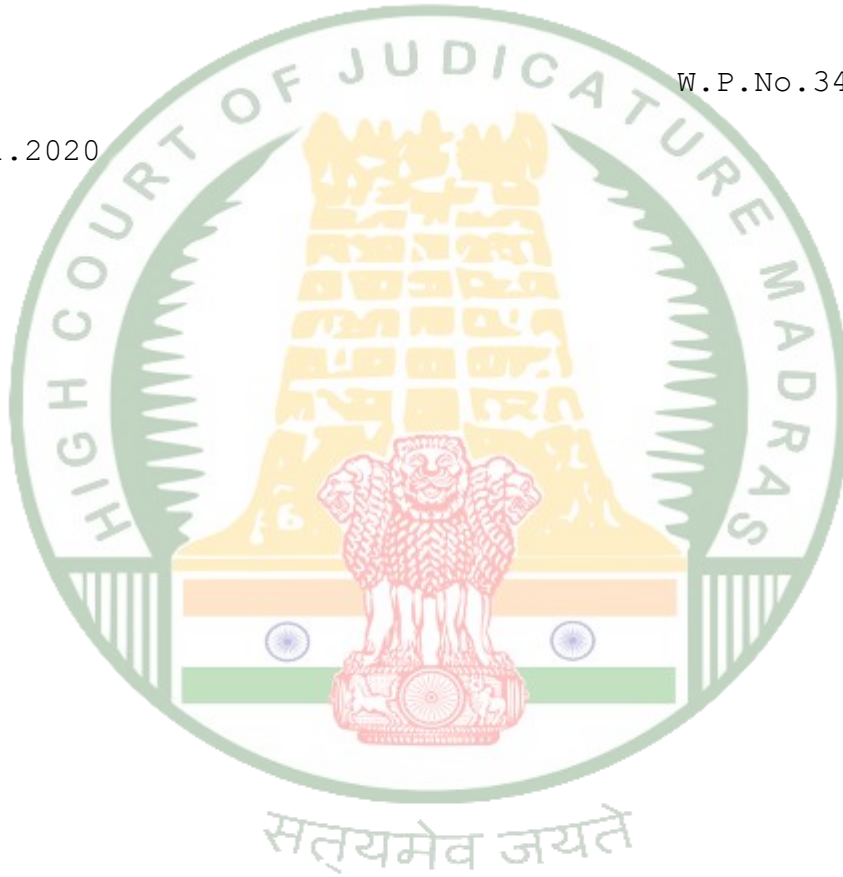
Tamil Nadu Construction Workers Welfare Board
Gorimedu, Salem - 636 008.

+lcc to Mr.C.Prabakaran, Advocate, SR.No.105815.

+lcc to Government Pleader, SR.No.104821.

(CO)
CSR: 08.01.2020

W.P.No.34869 of 2019



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