



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.13921 of 2019

R.Muthuraj

... Petitioner

Vs.

1. Tamil Nadu Street Vending and Shops and
Establishment Workers Welfare Board,
Rep. by its Secretary,
Chennai - 600 106.

2. The Labour Officer (Social Security Scheme),
TNHB - 1st Floor,
Ellis Nagar,
Madurai - 625 016.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to sanction pension to the petitioner from the period May 2013 under the Tamil Nadu Street Vending and Shops and Establishment Workers Social Security and Welfare Scheme, 2010, based on his representation dated 02.01.2019.

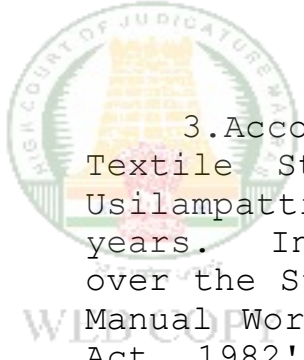
For Petitioner : Mr.S.P.Naveen Kumar

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to sanction pension to the petitioner from the period May 2013 under the Tamil Nadu Street Vending and Shops and Establishment Workers Social Security and Welfare Scheme, 2010, based on his representation dated 02.01.2019.

2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notices for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3. According to the petitioner, he was working as Salesman in a Textile Store namely, Nagalakshmi Textile Store, situated at Usilampatti Post and Taluk, Madurai District, for the past 40 years. In order to regulate and benefit the manual workers all over the State, the Government enacted an Act, called 'Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982' and based on the said Act, Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, was framed to provide pension to the persons, who are registered with the first respondent, after completion of 60 years of age.

4. Further, the petitioner registered himself with the Tamil Nadu Manual Workers Welfare Board on 03.05.2004 at the age of 51, after paying necessary fee and periodically renewed his registration with the said Board. While so, the Government, vide G.O.Ms.No.24, Labour and Employment (II) Department, dated 19.10.2010, has created a Special Board for the persons, such as street vendors and workers in shops and establishments. Accordingly, the petitioner's name was also transferred to the said Board to avail the welfare measures. After attaining the age of 60 years, the petitioner made an application to the second respondent for pension on 28.11.2013 and the same was rejected on the ground that the petitioner has been receiving old age pension. Hence, the petitioner has sent another representation dated 02.01.2019 to the second respondent stating that he is not receiving any old age pension from the revenue officials and also furnished a certificate issued by the Village Administrative Officer to that effect. Even after receipt of the said representation, the second respondent has not come forward to sanction pension to the petitioner. Hence, the present Writ Petition.

5. The learned counsel for the appearing petitioner submitted that if a direction is issued to the second respondent to consider the representation of the petitioner, dated 02.01.2019, it would suffice.

6. The learned Additional Government Pleader appearing for the respondents submitted that the second respondent would consider the petitioner's representation and pass orders within a time frame to be fixed by this Court.

7. Recording the submission made by both parties, without going into the merits of the case, this Court directs the second respondent to consider the petitioner's representation dated 02.01.2019 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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8. This writ petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (AS)

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// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary,
Tamil Nadu Street Vending and Shops and
Establishment Workers Welfare Board,
Chennai - 600 106.
2. The Labour Officer (Social Security Scheme),
TNHB - 1st Floor,
Ellis Nagar, Madurai - 625 016.

+ 1 CC TO Mr.S.P.Naveen Kumar, ADVOCATE IN SR No.70584
+ 1 CC to The Special Government Pleader SR.No.70947

W.P (MD) No.13921 of 2019

KS(02.07.2019) 3 P 5 C