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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 27.02.2020*

+ W.P.(C) 1532/2020, CM APPL. 5357/2020 & CM APPL. 7840/2020

JOKHAN DEVI

..... Petitioner

Through: Mr. Chirayu Jain, Advocate.

versus

DELHI BUILDING AND OTHER CONSTRUCTION WORKERS
WELFARE BOARD

..... Respondent

Through: Mr. Sanjay Ghose, ASC for GNCTD.
Dr. Philip Thanglienmang, Secretary.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. The petitioner's representation to the respondent to release the dues owed to her deceased husband, who was registered as one of the first beneficiaries under the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, were not responded to.
2. The workman passed away on 27.03.2019. He had filed a pension application on 18.10.2017, when he attained the age of 60 years; but that application was not responded to. Subsequently, the petitioner applied for family pension on 18.06.2019, which too has not been responded to.
3. The learned Additional Standing Counsel for the respondent, submits upon instruction from Secretary of the respondent-Board, that the processing of the documents is almost complete.

4. Let the decision in this matter be taken within a week from the date of receipt of copy of this order and monies, as may be due to the petitioner (her late husband), be released to her within 2 weeks thereafter. Additionally, this petition shall be treated as her representation to be duly considered before the decision is arrived at.

5. The learned counsel for the respondents submits that there is an inquiry underway apropos the funds and the beneficiaries, etc. Be that as it may, such enquiry cannot come in the way of adjudication and/or decision being taken upon the petitioner's application. The rightful claim of the workman cannot be subject to any investigation which may be underway, unless there is a specific order injuncting disbursal of legitimate dues to the beneficiary workman.

6. Since, the petitioner has been constrained to file her petition, let Rs.25,000/-, be paid to the petitioner as costs by the respondent.

7. The petition is disposed-off in the above terms.

NAJMI WAZIRI, J

FEBRUARY 27, 2020

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