

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE Mrs.R.HEMALATHA

Contempt Petition No.1155 of 2020

Dravida Thozhilalar Nala Samelanam

Rep. by its General Secretary

A.Kathirvel

Office at No.132, Muthunaickenpatti Main Road

Sundar Nagar Bus Stop

Salem 636 302

... Petitioner

Vs.

1.Md. Nasimuddin, I.A.S.

The Additional Chief Secretary

Government of Tamil Nadu

Labour and Employment Department

St. George Fort, Secretariat

Chennai 600 009

2.Dr.R.Nanthagopal, I.A.S.

Commissioner of Labour

O/o.The Commissioner of Labour

DMS Building, Teynampet, Chennai 600 006

3.Thangavel

Secretary

Tamil Nadu Manual Workers Welfare Board

G-133, TNHB Chinthamani Super

Market Shopping Complex

Anna Nagar East

Chennai 600 102

Presently functioning at

New No.69, New No.35

Thiru.Vi.Ka.High Road
2nd Floor, Indian Officers Association
Centenary Building
Royapettah, Chennai 600 014

... Respondents

For Petitioner : Mr.C.Samivel
For R1 and R2 : Mr.S.John J Raja Singh
Addl. Government Pleader
For R3 : Mr.S.Kumaradevan

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Alleging that poor and illiterate workmen are not able to get the necessary certificate from the Village Administrative Officers, for enrolling themselves in the various welfare Boards that have been constituted by the Government, for providing relief to workmen in unorganised sectors like manual workers, hair dressers, domestic workers etc., the petitioner filed a public interest litigation in W.P.No.10922 of 2020, in which, a Division Bench of this Court issued the following directions on 21.08.2020 :

“3. Mr.V.Jayaprakash Narayanan, learned Government Pleader appearing for the State submitted that the workman need not worry about this aspect and the official respondents themselves will get the verification done from the respective Village Administrative Officer on the application of the workman concerned and therefore he/she will not be made to get the verification done from the Village Administrative Officer. The said statement made by the learned Government Pleader stands recorded.

4. In view of the above, the writ petition is disposed of by making it clear that as and when an application is made seeking registration by any workman seeking to register himself / herself in any one the schemes in existence, the verification by the VAO will have to be done by the authority concerned and not otherwise. No costs.”

Alleging non-compliance of the aforesaid directions, the present Contempt Petition has been filed.

2. Today, Mr.G.Gnanasambanthan, Assistant Commissioner of Labour, Chennai is present before this Court.

3. Mr.R.Kirlosh Kumar, Secretary to Government, Labour Welfare and Skill Development Department, have filed a compliance affidavit dated 17.12.2021, wherein, in paragraph No.8, it is stated as follows :

“8. I respectfully further submit that in the above said Labour Department web portal, the manual workers submit their application for registration to the Assistant Commissioner of Labour (Social Security Scheme) concerned through online. The applications received in the Labour Department web portal are automatically forwarded to the Village Administrative Officer/Revenue Inspector concerned for verification process through online transmission for which the web portal has been integrated with Revenue Department. The Village Administrative Officer/Revenue Inspector concerned will forward the verified applications to the Assistant Commissioner of Labour (Social Security Scheme) concerned through online transmission. The Assistant Commissioner of Labour (Social Security Scheme) concerned will scrutinise the application and approves the registration of the unorganised worker in the Board, thus the registration of any manual worker in the Welfare Boards is approved by the Assistant Commissioner of Labour (Social Security Scheme) concerned after due verification by the Village Administrative Officer/Revenue Inspector concerned as required in Clause 9(3)(a) of the Tamil Nadu Manual Workers Social Security and Welfare Scheme, 2006.”

4. From a reading of the above, it is clear that the Government has put

in place, a system, whereby an application by a manual worker is submitted to the Assistant Commissioner of Labour for registration, the same would be automatically forwarded online to the Village Administrative Officer/Revenue Inspector concerned, for report and based on the report, further action would be taken.

5. This, in our opinion, is sufficient compliance of the order dated 21.08.2020. However, Mr.C.Samivel, learned counsel for the petitioner ventilated certain grievances *viz.*, that the Village Administrative Officers are still delaying their reports, on account of which, workmen are not getting benefits under the various welfare schemes in time.

6. In our opinion, the above grievance expressed by Mr.C.Samivel, cannot be addressed in this contempt petition and the same has to be dealt with, on a case to case basis in a separate proceeding before the authority.

In view of the above, this contempt petition stands closed.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Gs/10/02/2022

To

1. The Additional Chief Secretary
Government of Tamil Nadu
Labour and Employment Department
St. George Fort, Secretariat
Chennai 600 009

2. The Commissioner of Labour
O/o.The Commissioner of Labour
DMS Building,
Teynampet, Chennai 600 006