



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.8308 of 2016

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K.Nesamony

... Petitioner

versus

The Secretary,
Tamil Nadu Construction
Workers Welfare Board,
No.8, Valluvarkottam High Road,
Chennai - 24.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to sanction and to pay the petitioner's pension from 10.10.2005 onwards.

For Petitioner : Mr.S.Ramakrishnan

For Respondent : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the respondents to sanction and pay the petitioner's pension from 10.10.2005 onwards.

2. The case of the petitioner is that he is a registered member in Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994. He registered his name as a manual worker on 09.10.2000. At the time of registration, his age was 55 years. According to the petitioner, under clause 13 of the Scheme, every registered manual workers, who have completed 60 years of age is eligible for pension. The petitioner attained 60 years of age on 09.10.2005. The Government, by G.O.(D)No.486, Labour and Employment Department, dated 31.03.2005, have sanctioned that the quantum of pension payable to each eligible construction worker is Rs.200/- and it was gradually enhanced to Rs.1,000/- in G.O.(D).No.421, Labour and Employment (12) Department, dated 27.12.2011. In order to avail such benefit, the petitioner made representations dated 20.08.2015 and 08.03.2016 to the respondent requesting him to pay the pension amount. As there is no action, the present writ petition has been filed.



3. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondent.

4. On perusal of the counter affidavit filed by the respondent, it is seen that since the petitioner has not continued as such worker for a continuous period of not less than five years as ordered in the G.O.(D)No.486, dated 31.03.2005, the petitioner was not eligible for pension. The respondent, vide his letter dated 26.06.2007, also informed the petitioner that his application for pension was rejected.

5. From the above, it is clear that suppressing the rejection of his earlier application, the present writ petition has been filed. Even before this Court, the said fact has not been disclosed by the petitioner. Moreover, without challenging the said rejection order, the relief sought for in the present writ petition cannot be considered. Hence, the writ petition is dismissed. The petitioner is at liberty to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Secretary,
Tamil Nadu Construction
Workers Welfare Board,
No.8, Valluvarkottam High Road,
Chennai - 24.

+1 CC to M/s.SPL GP (SR-14818[F] dated 31/03/2021)

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(CO)

HB(24.04.2021) 2P 3C

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