

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.03.2022

CORAM

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.2442 of 2011

R.Anjalidevi

...Petitioner

Vs.

1.State of Tamil Nadu,
rep.by Secretary,
Tamil Nadu Construction Employees Board,
No.8 Valluvar Kottam High Road,
Nungambakkam, Chennai.

2.District Labour Officer,
Social Welfare Scheme,
Villupuram.

...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the order in CW Board petition dated 08.07.2010 passed by the second respondent herein and quash the same and further direct the respondents to pay necessary compensation to the petitioner.

For Petitioner : Mr.K.M.Ramesh

For Respondents : No appearance for R1
Mr.P.Ganesan
Government Advocate for R2

ORDER

The petitioner claims to have met with an accident on 28.06.2007 and was admitted in the hospital between 13.07.2007 till 31.07.2007. She has made an application on 03.10.2007 to the Tamil Nadu Construction Employees Board, seeking for compensation for the accident. Her application has been returned through the impugned proceedings dated 08.07.2010 stating that her Membership Card for the scheme for claiming compensation has

not been renewed in time and that she had not enclosed the original identity card as well as the Family Ration Card was not attested. The impugned proceedings also states that the FIR was not enclosed. The counter affidavit filed by the respondents admits that the accident in which the petitioner was involved had happened when she fell down from a Tractor and sustained multiple injuries. Thus, the question of registration of an FIR may not arise and therefore, the respondents cannot seek for production of the FIR.

2. Insofar as the claim of the respondents that the petitioner had not renewed the Membership identity card is concerned, admittedly the accident had occurred on 28.06.2007 and the Membership Card comes to an end on 13.11.2007. This aspect is reflected in the counter affidavit filed by the respondents. Therefore, renewal of the Membership card also does not gain significance.

3. Insofar as the claim of the respondents that the original identity card has not been enclosed, the proceedings dated 08.7.2010 itself states that the original identity card has been returned along with the application. Hence it would be appropriate to direct the petitioner herein to resubmit the application along with the returned original identity card as well as the attested Family Ration Card copy, with the consequential direction to the first respondent to consider the application.

4. In the light of the above observations, liberty is granted to the petitioner to re-present the returned application form along with the original identity card and attested Family Ration card. On receipt of such an application, the first respondent herein shall consider it on its own merits and pass orders within a period of three (3) months from the date of receipt of a copy of this order.

5. The Writ Petition stands ordered accordingly. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

Pns
To

1.The Secretary,
State of Tamil Nadu,
Tamil Nadu Construction Employees Board,
No.8 Valluvar Kottam High Road,
Nungambakkam, Chennai.

2.The District Labour Officer,
Social Welfare Scheme,
Villupuram.

+1cc to Mr.K.M.Ramesh, Advocate Sr.16150
+1cc to the Government Pleader Sr.16688

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srg 31/03/2022