



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 25603 of 2021

L.Mani

..Petitioner

vs.

1. The Secretary,
Tamil Nadu Udal Uzaippu Thozhilalar Nala Variyam,
New No.69, Old No. 35,
Thiru .Vi.Ka.Salai, Royapet,
Chennai -600014.

2. The Assistant Labour Commissioner,
Office of the Assistant Labour Commissioner
(Social Security Scheme Department)
Korimedu, Salem,
Salem District.

3. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner,
(Social Security Scheme Department)
Mettur Dam,
Salem District.

...Respondents

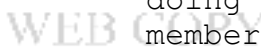
Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records relating to the proceedings No. Na.Ka.A2/007374/2020, dated 04.10.2021 issued by the 2nd respondent and quash the same.

For Petitioner : Ms. Grace
for Mr.R.Murugabharathi

For Respondents : Mr.V.Jeevagiridharan, AGP

O R D E R

The prayer sought for in the writ petition is for a direction to the respondents to grant the pension to the petitioner as per pension benefits scheme under the Thaiyal Thozhilalar Nala Variyam based on the representation of the



2. Brief facts of the case is that the petitioner has been doing tailoring business for the past 30 years and he is also member of the Thaiyal Thozhilalar Nala Variyam from the year 2000. The petitioner's membership number was originally allotted as 06TAIL 1532, subsequently, the petitioner's membership number was re-allotted in the year 2007 as 06 TAIL 7144. The petitioner has approached the 3rd respondent for renewal of membership on 31.05.2010. The respondent did not consider the petitioner's entire member ship period for calculating pension. The petitioner made representations to the respondent on 07.12.2020 and 13.08.2021 seeking for grant of pension benefits as per scheme, but no reply from the respondent, hence the present writ petition.

4. On the other hand, the learned Additional Government Pleader has submitted that the Government introduced the pension scheme in G.O.Ms. No. 75, Labour and Employment Department, dated 01.09.2006 in which the Government accorded sanction to grant pension to the manual workers who have completed 60 years of age on the date of application for pension and who have been registered worker of welfare board for a continuous period of not less than five years. As per this Government Order, every member should have continuous period of minimum 5 years of membership to get pension.

<https://hcservices.ecourts.gov.in/hcservices/>



6. Heard both sides and perused the materials available on record.

7. Admittedly, the petitioner had enrolled himself in the Thaiyal Thozhilalar Nala Variyam in the year 2000 and has been continuing his membership till 31.05.2010 ie. till the age of superannuation of 60 years. Further, as per G.O.Ms. No. 75, Labour and Employment Department, dated 01.09.2006, the eligibility to grant pension to the manual workers who have completed 60 years of age is the continuous period of not less than five years. As rightly pointed out by the learned Additional Government Pleader, the petitioner had not renewed his membership for the periods from 12.03.2002 to 11.12.2002, 11.12.2004 to 31.01.2005, 31.01.2007 to 09.08.2007 and 09.08.2009 to 24.11.2009, therefore the petitioner was not a member for a continuous period of five years and not satisfied the eligibility conditions for grant of pensionary benefits as per the scheme as mentioned in the aforesaid G.O.

8. In view of the aforesaid reasons and accepting the submissions made by the learned Additional Government Pleader, this Court has come to the conclusion that the petitioner has not fulfilled the requirements for granting pensionary benefits as per the scheme, therefore, the grounds raised by the learned counsel for the petitioner cannot be accepted.

9. Accordingly, the writ petition stands dismissed as devoid of merits. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

ak

To

1. The Secretary,
Tamil Nadu Udal Uzaippu Thozhilalar
Nala Variyam,
New No.69, Old No. 32,
Thiru .Vi.Ka.Salai,
Royapet,
Chennai -600014.



2. The Assistant Labour Commissioner,
Office of the Assistant Labour Commissioner
(Social Security Scheme Department)
Korimedu, Salem, Salem District.

WEB COPY

3. The Deputy Labour Commissioner,
Office of the Deputy Labour Commissioner,
(Social Security Scheme Department)
Mettur Dam, Salem District.

+1cc to M/s.R.Murugabharathi, Advocate, S.R.No.10435

+1cc to the Government Pleader, S.R.No.10831

W.P.No.25603 of 2021

PMK (CO)
RGA (26/04/2022)