



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.20646 of 2013

and

M.P(MD) No.1 of 2013

WEB COPY

A.Muthupetchi

... Petitioner

Vs.

The Labour Officer,
(Social Security Scheme),
Office of the Labour Officer (Social Security Scheme),
Madurai.

... Respondent

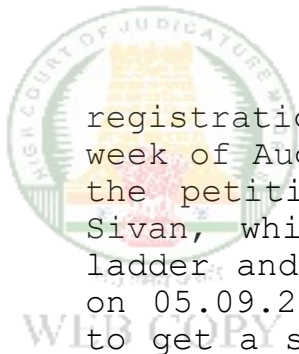
PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent's order in Na.Ka.No.87/2013 dated 29.10.2013, quash the same and directing the respondent to consider the petitioner's application dated 29.09.2013 and pass orders to grant the death benefits of the petitioner's deceased son namely Sivan @ Sivanathan to her under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 within the period stipulated by this Court.

For Petitioner	: Mr.R.Aravind Raj
For Respondent	: Mr.D.Gandiraj
	Special Government Pleader

O R D E R

This Writ Petition has been filed to call for the records of the order of the respondent in Na.Ka.No.87/2013 dated 29.10.2013, quash the same, direct the respondent to consider the application of the petitioner dated 29.09.2013 and pass appropriate orders to grant the death benefits of the petitioner's deceased son namely Sivan @ Sivanathan to her under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, within the period stipulated by this Court.

2. The learned counsel appearing for the petitioner submitted that the son of the petitioner namely Sivan @ Sivanathan had worked as Construction Worker and was a member of Thirumangalam Pothu Thozhilalar Sangam. His name was registered under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 and the



registration was periodically renewed till 15.08.2011. In the first week of August 2012, renewal application was submitted by the son of the petitioner through his trade union. On 23.08.2012, the said Sivan, while he was working in a power grid, fell down from the ladder and died. His registration under the respondent was renewed on 05.09.2012. As per the said Scheme, the petitioner is entitled to get a sum of Rs.1,00,000/- as compensation, due to the death of her son. Therefore, she submitted an application to the respondent on 29.10.2013, but the same was rejected stating that she had fabricated the documents to show that her son died on 23.09.2012, instead of 23.08.2012.

3. It is further submitted by the learned counsel appearing for the petitioner that the defence of the respondent that the petitioner had forged the date of death of her son in the documents is not correct. Thus, she prayed for quashing of the order of the respondent and passing appropriate orders to grant the death benefits of her deceased son.

4. Per contra, the learned Additional Government Pleader appearing for the respondent submitted that at the time of death of the said Sivan @ Sivanathan, his registration under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, was not in-force for the reason that it was not renewed. Renewal was made only on 05.09.2012. Further, the petitioner had forged the date of death of her son as 23.09.2012, instead of 23.08.2012 in the Xerox copies of the Death Certificate, Post-mortem Certificate and the First Information Report. Thus, the claim of the petitioner is to be rejected.

5. This Court considered the rival submissions made on behalf of both the parties and perused the records.

6. Perusal of the impugned order shows that the petitioner sent an application seeking death benefits of her deceased son namely Sivan @ Sivanathan on 21.11.2012 along with the copies of the Death Certificate, Post-Mortem Certificate and First Information Report. In all these documents, the date of death of the petitioner's son is mentioned as 23.09.2012. When the petitioner was asked to produce the original documents, she has produced the original Death Certificate, which showed that the date of death of the petitioner's son is 23.08.2012. Thus, it is apparent from the impugned order that the petitioner, in order to get the death benefits, had forged the date of death of her son in the aforesaid documents as 23.09.2012. Then renewed the registration on 05.09.2012. She has played fraud by altering the date of death of her son in the material documents to get the death benefits. Thus, this Court finds no reason to pass any positive order in favour of the petitioner.



7. In this view of the matter, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

WEB COPY

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

ssb

To

The Labour Officer,
(Social Security Scheme),
Office of the Labour Officer (Social Security Scheme),
Madurai.

+1 CC to M/s.SPL.GP (SR-24852[F] dated 09/06/2022)

W.P. (MD)No.20646 of 2013

08.06.2022

= SS/06/07/2022/ 3P 3C