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W.P.(MD)No.10776 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.10776 of 2014

P.Andichi

... Petitioner

vs.

The Labour Welfare Officer,
Social Security Scheme,
Madurai District,
Madurai

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent's order in T.A.U.S.No.77 of 2013, dated 03.10.2013 and to quash the same and consequently, to direct the respondent to sanction pension under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, to the petitioner.

For Petitioner : Mr.A.Haja Mohideen
For Respondent : M/s.D.Farjana Ghoushia
Special Government Pleader



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ORDER

This writ petition is filed for issuance of writ of Certiorarified Mandamus, to quash the respondent's order, dated 03.10.2013 and consequently, to direct the respondent to sanction pension under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, to the petitioner.

2.The petitioner is a manual worker involved in construction works from his tender age. Now, the petitioner had attained retirement and he is not able to work as a full-fledged construction worker. The Government has formulated a scheme to grant pension to such workers. The petitioner has registered his name with the respondent in Registration No.MZDR 73467 and continuously renewed the same. The Government has issued G.O.Ms.No.36, Labour and Employment (I-2) Department, dated 28.02.2011. The purpose of issuance of this G.O. is to clear the ambiguities that is prevailing in the scheme. The contention of the petitioner is that as per G.O.Ms.No.36, Labour and Employment (I-2) Department, dated 28.02.2011, every registered manual worker of Construction



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Workers Welfare Board and Unorganized Welfare Board who have completed 60 years of age is eligible for pension. Since the Government has not prescribed any conditions, the rejection order passed by the respondent without any reason is illegal and not sustainable. Hence, the petitioner prays to allow this writ petition.

3.The respondent submitted that as per Clause 6 of Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, the registration should be renewed once in every years by the worker. If the worker fails to renew his registration, the grace time is granted until the end of the half year. If he fails to renew within the grace time, the worker will be given another chance and renewal will be in a condition that during the non-renewal period, the beneficiary cannot claim any benefits under the scheme, as per the administrative instruction. The next renewal will be done on the date in which the manual worker shows up for renewal. But the renewal period of 2 years will be continued for every 2 years from the original registration. Since the petitioner did not renew on certain years and not have membership for 5 continuous years, his pension application was



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renewal. The respondent is also bound to issue notice for cancellation. In the present case, the respondent has not send such notice. Since it is a welfare scheme, this Court is of the considered opinion that the case of the petitioner ought to be considered sympathetically. More over, the construction workers will be illiterate and they cannot be expected to renew periodically. Hence, the respondent is directed to pay the amount to the petitioner by collecting Rs.10/- for each year. The balance amount shall be paid to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6.With the above said observation, the writ petition is allowed. No costs.

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Internet : Yes

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To

The Labour Welfare Officer,
Social Security Scheme,
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S.SRIMATHY, J

Tmg

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