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W.P.(MD)No.2250 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.2250 of 2015

S.Jeyalakshmi

... Petitioner

vs.

The Labour 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 Na.Ka.No.970/2013, dated 20.06.2013 and its consequent order in Na.Ka.No.741/14, dated 26.09.2014 and to quash the same and consequently, to direct the respondent to sanction pension under the Tamil Nadu Manual Workers Welfare Scheme, 2006, 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 20.06.2013 and its consequent order, dated 26.09.2014 and consequently, to direct the respondent to sanction pension under the Tamil Nadu Manual Workers Welfare Scheme, 2006, to the petitioner.

2.The petitioner is a tailoring worker. Now, the petitioner had attained retirement and he is not able to work in a full-fledged manner. The Government has formulated a scheme to grant pension to such workers. The petitioner has registered her name with the respondent in Registration No.22 TAIL 23600/22 TAIL 10942 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



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manual worker of Tamil Nadu Manual Workers' Social Security and Welfare Scheme, 2006, 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 Tamil Nadu Manual Workers' Social Security and Welfare Scheme, 2006, 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 the worker 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



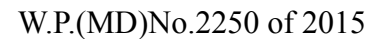
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and not have membership for 5 continuous years, her pension application was rejected after giving a chance to the petitioner under Tamil Nadu Manual Workers' Social Security and Welfare Scheme, 2006. Hence, according to the respondent, the petitioner is not entitled to. The respondent further contended that requiring 5 years of continuous membership was removed as per G.O.Ms.No. 36, Labour and Employment (I-2) Department, dated 28.02.2011, but the G.O. was not given retrospective effect. Hence, the amendment made in the scheme will not be applicable to the petitioner. Hence, the respondent prays to dismiss the writ petition.

4. Heard Mr.A.Haja Mohideen, learned Counsel appearing for the petitioner and M/s.D.Farjana Ghoushia, learned Special Government Pleader appearing for the respondent.

5. On perusing the records, it is seen that the scheme is a welfare scheme applicable to the manual workers. As per the rule of the scheme, if the renewal is



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

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S.SRIMATHY, J

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