



W.P.(MD).No.23551 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.23551 of 2015

and

M.P.(MD).No.2 of 2015

R.Devaraj

... Petitioner

Vs.

1.The Secretary,
Tamil Nadu Construction Workers Welfare Board,
8, Valluvar Kottam Highways,
Nungambakkam,
Chennai – 34.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the second respondent in Na.Ka.No. 54/2015, dated 24.04.2015, quash the same and consequently direct the respondents to pay the arrears of the old age pension to the petitioner from the date of his superannuation i.e., 29.11.2011 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.C.Baskaran,
Government Advocate (Civil Side).

ORDER

This Writ Petition is filed for Writ of Certiorarified Mandamus to quash the impugned order dated 24.04.2015 and consequently direct the respondents to pay arrears, old age pension from the date of superannuation that is 29.11.2011.

2. The point that was raised in this Writ Petition is that the petitioner was doing construction work and joined as a member in the Tamil Nadu Construction Workers Welfare Board. He has attained superannuation on 29.11.2011 and eligible for old age pension. But the respondents have sanctioned the old age pension from 01.11.2013. The petitioner has submitted an application to grant old age pension from 29.11.2011. The second respondent has not stated any reason for not sanctioning pension from the date of application, but has passed an order granting pension from 2013 onwards. The scheme namely, Tamil Nadu Manual Workers (Construction Workers)



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Welfare Scheme 1994 is not stating any eligibility from which date, the workers are eligible. The respondents have issued a circular dated 27.12.2012 wherein, it is stated as under:

“5. The Commissioner of Labour once again suggested that while sanctioning the pension claim applications, the procedure adopted in the Revenue Department in disbursing of old age pension (OAP) should be followed and the date of sanction by the L.O.(SSS) to be taken into account for sanctioning pension”.

The circular states from the date of sanction of the Labour Officer, but the Labour Officer has not stated why he is sanctioning belatedly and leaving out the period from 2011 to 2013. There is no reason or any statutory bar not to sanction for the period from 2011 to 2013.

3. Hence, this Court deems it fit to direct the first respondent to pay the old age pension from 29.11.2011 to 01.11.2013. However, the amount is not carrying any interest. The amount shall be paid within a period of six (6) weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

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Index : Yes / No
Internet : Yes/ No
Nsr

To

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S.SRIMATHY, J.

Nsr

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