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W.P.No.35241 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 03.01.2023

Coram:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35241 of 2022

All India Construction Workers and
Unorganised Workers Union,
Union Registration No.986/VLR,
rep. by R.T.Pazhani

... Petitioner

Vs.

1.State of Tamil Nadu
rep. by The Principal Secretary,
Labour Welfare and Skill Development,
Secretariat, Fort St. George,
Chennai – 600 099.

2.The Commissioner,
Labour Welfare Board,
D.M.S.Teynampet,
Chennai – 600 019.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus directing the respondents to increase
the pension amount from Rs.1,000/- to Rs.5,000/- per month for retired
workers, relief of Pongal Bonus and relief of rain season compensation to
the current board member of Tamil Nadu Construction Workers Welfare



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Board by considering the representation to the respondents dated 06.11.2022.

For Petitioner : Mr.A.S.Bhuvaneswaran

For Respondents : Mr.Stalin Abimanyu,
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.This writ petition has been filed by the Association claiming to represent the interest of Construction Workers. The petitioner's grievance is that the pension amount payable to the Construction Workers has not been enhanced ever since 2011. According to the petitioner, as per the provisions of Section 7(1), 7(2) and 8(4) of the Regulation of the Wages (Amendment) Act, 2019, the pension amount will have to be revised every five years. Since the pension amount has not been revised, the petitioner has given a representation on 06.11.2022 to the respondents requesting them to revise the pension amount payable to the members of the Association from



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Rs.1,000/- to Rs.5,000/- per month. Since the representation has not been considered till date, they have filed this writ petition.

3.Heard Mr.A.S.Bhuvaneshwaran, learned counsel for the petitioner, and Mr.Stalin Abimanyu, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.At the outset, learned Additional Government Pleader appearing for the respondents would submit that the writ petition is not maintainable as it has been filed by an Association. He would also submit that the petitioner does not have any legal right to espouse the cause of its members and the members do not have any legal right to claim enhancement of their pension amount. The said statement is recorded.

5.In view of the categorical claim made by the Association that their members are entitled for revision of pension every five years, this Court is of the considered view that no prejudice would be caused to the respondents if the petitioner's representation as stated supra is considered, on merits and



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in accordance with law, within a time frame to be fixed by this Court.

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6.For the foregoing reasons, this Court directs the second respondent to pass final orders, on merits and in accordance with law on the petitioner's representation dated 06.11.2022 seeking for enhancement of pension for its members from Rs.1,000/- to Rs.5,000/-, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid direction, this writ petition is disposed of. No costs.

03.01.2023

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Index:Yes/No



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To



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ABDUL QUDDHOSE, J

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