



WEB COPY



W.P. No.20425 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM

THE HON'BLE DR. JUSTICE D.NAGARJUN

W.P. No.20425 of 2015

and

M.P. No. 1 of 2015

S. Velu

... Petitioner

-VS-

1. The Chief Secretary,
The Labour and Employment Department,
Government of Tamilnadu,
St. George Fort, Chennai 600 009.

2. The District Collector,
Kancheepuram District,
Kancheepuram.

3. The Commissioner of Labour,
The Office of the Commissionerate of Labour,
Teynampet, Chennai 600 006.

4. The Secretary,
The Tamilnadu Construction Workers Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai 600 034.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, to quash the 3rd respondent Letter No.W1/39395/2014, dated 18.09.2014 and directing the



W.P. No.20425 of 2015

Respondents herein to take necessary steps to implement the old method for new admissions as well as the renewal of membership with the 4th Respondent board as briefly explained in the Petitioner's representation dated 19.02.2013 consequently, the Letter Na.Ka.6130/13/M1 dated 02.03.2013 sent to the Petitioner by the 2nd Respondent.

For Petitioner : Mr. K.Gnana Sundaram

For Respondents : Mr. P.Sanjay Gandhi
Government Advocate

ORDER

This Writ Petition is filed to issue a Certiorarified Mandamus, to quash the 3rd respondent Letter No.W1/39395/2014, dated 18.09.2014, directing the respondents to take necessary steps to implement the old method while giving new membership as well as renewal of old memberships with the 4th respondent Tamil Nadu Construction Workers Welfare Board.

2. It is submitted by the learned counsel for the petitioner that the petitioner is the President of Ka.Ko.R. Kattumana Thozhilalar Sangam and he has good relationship with the Association members. The Government has announced various Welfare schemes for the workmen in the construction field.



W.P. No.20425 of 2015

Workmen are required to renew their membership as prescribed under the Social Security Scheme, which was announced for the welfare of the construction workers.

3. As per the old method, the new applications for the membership and renewal of the memberships used to be filed through concerned associations. However, as per the new method, all the applications for new membership and also for renewals were directed to be filed by each of the applicant in person. According to the petitioner, new method causes lot of inconvenience to the workmen, as it will be very difficult for the construction workers in day-to-day life to go over in person to file an application either for new membership or for renewal of membership, and that they may be likely to lose their one day income.

4. The petitioner, being the President of the association, has submitted a representation dated 19.02.2013 to the 1st respondent and also a representation dated 19.02.2013 to the 2nd respondent, which was forwarded by the 2nd respondent to the Government of Tamil nadu vide letter in Na.Ka. 6130/13/M1 dated 02.03.2013. The petitioner has received letter from the 4th respondent to the effect that as per the Government Order No. 123 dated 24.10.2008, the



W.P. No.20425 of 2015

Construction Workers Board is following new rules and that the said rules are being followed as per the directions in W.P. No. 21783 of 2012 by this Court. It is submitted further that the petitioner, after verifying the orders in W.P. No. 21783 of 2012, found that there are no specific directions to follow the new method, thereby petitioner has sent a reminder dated 17.04.2013, but the petitioner has not received any reply from the 1st respondent. The 4th respondent has passed the order in Letter No. A2/1693/2013 dated 09.04.2013 to implement the old procedure as stated in the petitioner's representation dated 06.11.2012. The said order was quashed by the High Court in W.P. No. 20050 of 2014. It is submitted further that construction workers are suffering due to new regulations and that the same was also published in the local newspapers, thereby sought for directions to the respondents.

5. The respondent 1, 3 and 4 have filed counter-affidavit.

6. During the course of submissions, learned Government Advocate appearing for the respondents filed a status report stating that the registration of the new membership and renewal online has commenced as per the gazette notification No. 168 dated 10.06.2017 and as on 24.01.2024, and in all 47,08,655 workers belonging to 18 Unorganized Workers Welfare Boards have



W.P. No.20425 of 2015

accessed through online for registration, renewal and for other services.

WEB COPY

7. Learned counsel for the petitioner has submitted that though the petitioner has no objection for online method of renewal or new registration, the issue that concerns the petitioner is that the respondents are asking for filing of the hard copy also even after renewing the membership online.

8. Learned Special Government Pleader representing the respondents submitted that as per the concerned Government Order issued in the procedure being followed, a fresh registration renewals are being done only online and hard copy is not being necessitated.

9. Heard learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

10. The method of registration of membership and renewal of the membership of the workers in the construction filed is the policy of the Government, in order to implement the welfare schemes. The Government will take various policy decisions keeping in view the welfare of the workers and ease of doing business. Earlier, fresh membership and renewal used to be under



W.P. No.20425 of 2015

the control of associations, thereby leaders of the association used to have a control over the members. Now, on account of making the renewal and fresh membership through online only, every worker will have to individually file the application for renewal and also for fresh membership thereby the involvement of the union leaders is eliminated. Perhaps, this is the reason why the petitioner being the President of the construction workers union is aggrieved.

11. The Writ Petitions cannot be filed challenging the policy decisions of the Government. If at all there is any difficulty in implementation of the policy of the Government, the aggrieved person should go to the concerned department and file a representation. This Writ Petition is filed strangely seeking for a direction to the respondents to go back to old method instead of online method of registration and renewal. We are now in a digital age. All the Government departments are in the process of total digitization and going towards paperless administration. In that kind of situation, the prayer of the petitioner is totally not progressive. This Court has failed to understand what prejudice is caused to the petitioner on account of introduction of online system of registration and renewal. There are no merits at all to consider the request of the petitioner and the Writ Petition deserves to be dismissed.



W.P. No.20425 of 2015

WEB COPY

Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

30.01.2024

Index: Yes/No

NCC: Yes/No

gsa

To

1. The Chief Secretary,
The Labour and Employment Department,
Government of Tamilnadu,
St. George Fort, Chennai 600 009.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Commissioner of Labour,
The Office of the Commissionerate of Labour,
Teynampet, Chennai 600 006.
4. The Secretary,
The Tamilnadu Construction Workers Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai 600 034.



WEB COPY



W.P. No.20425 of 2015

DR. D.NAGARJUN.J,

gsa

W.P. No.20425 of 2015

30.01.2024